Peace in the Balance: The Crisis in Sudan

Edited by Brian Raftopoulos and Karin Alexander

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<td>(will increase with returnees)</td>
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<td>HDI Rank (2003)</td>
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¹ Approximately 88% of southern population. Excludes Abyei, Nuba Mts, Blue Nile & garrison towns
³ Information for the UNDP human development index data on the whole of Sudan is taken from UNDP Human Development Report, and is used to reflect more official figures. http://hdr.undp.org/reports/global/2003/indicator/cty_f_SDH/ [accessed on 15 October 2006]
### Demographics

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### Economic performance and expenditure

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2 Information for the UNDP human development index data on the whole of Sudan is taken from UNDP Human Development Report, and is used to reflect more official figures. [http://hdr.undp.org/reports/global/2003/indicator/cty_f_SDN.html](http://hdr.undp.org/reports/global/2003/indicator/cty_f_SDN.html) [accessed on 15 October 2006]
Introduction

As many analysts have pointed out, and as the authors in this book clearly show, the crisis in Sudan is very complex. Often portrayed in the media as a categorical conflict between an ‘Arab’ north and an ‘African’ south, the lines of battle are far more multifaceted. The Turko–Egyptian and later Anglo–Egyptian colonial domination in the 19th century as well as the slave trade, racism and marginalisation of the south has formed the dominant frame of reference of the Sudan crisis. Today the conflict has become a more generalised confrontation between a small Arab elite in the north and other economically and politically marginalised areas in the south, the northeastern Red Sea and Kassala states, and Darfur in the west.

The lines of fracture in Sudan have thus spread well beyond any simple Muslim–Christian dichotomy to include intra-Muslim battle lines. Nevertheless, it is clear the various attempts by successive Sudanese governments since the 1950s to impose exclusive policies of ‘Arabisation’ and ‘Islamisation’ on a diverse population continue. This, Adar suggests, ‘impose[s] limitations on the drive to establish a durable consensus on the Sudanese national identity’. (Adar, 2001: 81) The process, in turn, demonstrates the enormous challenges of building nation states in Africa and the persistent resonance of particular tribal, ethnic and religious affiliations in the context of long-term economic exclusions. (Jooma, 2006)

Sara Basha’s opening chapter clearly sets out the complex historical and
political background to the contemporary challenges in Sudan, noting that national identity, religion and ethnicity in the context of economic and political exclusion by a northern, riverine elite have contributed to the ‘multiple causality’ involved in the Sudanese civil wars. In chapter two, Basha outlines the major features of the Comprehensive Peace Agreement (CPA) signed in January 2005, which brought to a close the 21-year war waged by the Sudan People’s Liberation Movement (SPLM) against the Government of Sudan. One of the major problems of this agreement, as Basha notes, was that it was essentially an attempt to resolve the north–south conflict and thus left out of its arrangements the problems of other marginalised areas of the country.

Chapters three and four look at the politics of the north and south respectively. In chapter three, Sherif and Ibrahim describe some of the difficult attempts to develop a plurality of views in the north in the face of the rigidities of the existing state. They note that slow progress has been made in the development of civil society, opposition politics, and the media and in engendering the idea and practice of the rule of law. Crawford-Browne’s chapter on the south tracks the enormous challenges faced by the SPLM in attempting to deal with the combined demands of the CPA and the need to build sustainable state structures and policies in the south. As Crawford-Browne observes, the leadership in the south have had to deal with several major issues: strengthening the south’s representation in the Government of National Unity; establishing state and local government structures in the south; developing a constitution; establishing social, educational and health services for the people of the south; demobilising and reintegrating soldiers; establishing the rule of law; preparing for elections and referenda; putting structures in place for the resettlement and reintegration of several million internally displaced persons; and facilitating the development of civil society. Moreover, all these tasks have to be carried out while also developing sustainable economic policies for the underdeveloped south. These problems have had to be faced by an SPLM weakened and further divided after the death of its unifying leader, John Garang in 2005. As with all liberation movements, the SPLM has had to transform an organisation developed for war into one meeting the requirements of a peace-building process. At the same time, the enormous legacy of economic and political marginalisation
of the south has made this transition particularly difficult in the context of complex national, regional and international dynamics.

The next three chapters set out various dimensions of the Darfur tragedy. In chapter five, Kajee looks at the broader regional and international dimensions of the Darfur crisis. Noting its origins in the historical neglect of the region, the famine of the mid-1980s and the more recent trigger of events after the successful assault of the Sudan Liberation Army (SLA) on the El Fasher airport in 2003, Kajee also considers the actions of regional and international actors. As a launching pad for rebel activity in Chad and as part of Gadafi’s broader pan-Arab ambitions, Sudan has become part of a more complex interplay of forces. Moreover, the oil deposits in the country have drawn the nation into the strategic interests of China, Russia, the USA and France, which, as Kajee notes, have at various times used their veto to ‘block or dilute resolutions calling for stronger action against the Khartoum government’. For the US specifically, Darfur has been used as a ‘strategic opportunity to draw Africa into the global “war on terror” by sharply drawing lines that demarcate “Arab” against “African”’. (Mamdani, 2004) For its part, the Khartoum regime has used this characterisation to claim an assault on its national sovereignty, thus attempting to elude its own responsibility for the debacle.

Taking the discussion further, Du Toit examines the major shortcomings of the Darfur Peace Agreement (DPA), deftly summarising its problems thus:

The DPA has become part of a frozen conflict where woeful implementation is the norm; where underlying currents of ethnic mobilisation (nationally and regionally) are not addressed; and where the fundamentally asymmetrical relation between Khartoum and the rebels continues to tilt the balance in Khartoum’s direction, causing a proliferation of spoilers.

Kajee and Du Toit also note the strengths and limitations of the AU intervention in the form of the 7,000-strong African Union Mission in Sudan (AMIS). The AU mission received widespread support because of a combination of factors including Western relief at not having to get involved after the recent tragedies in Rwanda and Somalia, and the US/UK reluctance to play a major role given
their increasingly problematic interventions in Iraq and Afghanistan. For its part, the Khartoum government found it easier to accept the AU’s involvement as opposed to the Western intervention it feared. Despite the major operational and logistical problems that AMIS has faced, the AU intervention has resulted in a credible presence that undoubtedly saved lives. Attempts to upgrade this peacekeeping role to a larger UN presence have failed in the face of consistent opposition by the Khartoum government under the pretence that such an operation would constitute a threat to its sovereignty. This stand-off has been a challenge for the UN and has shown its limitations in intervening in areas of major human rights violations. The referring of the Darfur violations to the International Criminal Court (ICC) in 2005 has deferred judgement on this issue to a later date, even as the crisis continues.

The broader international dimension of the Darfur crisis is also tied to the decision of whether or not to name it ‘genocide’. The Geneva Convention defines genocide as acts ‘committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group’. Kajee explores the ambiguities of the term and hesitations by the UN and the major Western powers to describe the Darfur situation as genocide, noting the imperative for international intervention once a situation is characterised as such. In chapter seven, Cook and Mironko, in the context of a broader analysis of the Darfur situation, argue the case for naming the Darfur crisis a genocide. In their view, confusion over this issue arises ‘not because there is a lack of evidence that non-Arabs are being murdered, displaced and persecuted as non-Arabs’, but because of the ‘complex array of objectives motivating the different perpetrator groups’. Because all parties to the conflict are Muslims, the Islamist agenda of the National Congress Party (NCP) cannot be termed genocidal in a religious sense. Nevertheless, the authors argue, the perpetrators have demonstrated ‘intent to destroy ethnic groups’, committed the acts intentionally, and ‘consciously desired the destruction of the group(s) in whole or in part’. Consequently, the victims of this campaign deserve the full protection available to genocide victims. The lack of international consensus on this fundamental question points to not only the interpretive problems in describing the conflict in Darfur, but also the conflicting national, regional and international interests in the area. As is usual in such cases, the victims continue to mount in the midst of the struggle.
The final chapter, by Crawford-Browne, Basha and Alexander, sets out the potential to bring about a lasting peace in the country of each of the peace agreements signed in Sudan since 2005 (i.e. the CPA, DPA and the East Sudan Peace Agreement). The authors state that any sustainable peace will require that fundamental issues around economic marginalisation, national identity and political pluralism are sufficiently addressed, and that there is a sufficient basis in the existing agreements to take this process forward. Additionally, the interventions of the ICC will have to be complemented by drawing on more local resources of reconciliation and justice. There is little doubt that this will be a huge undertaking, combining the enormous challenges of nation and state building with careful regional and international diplomatic efforts. For the moment, we note some slow progress in moving the situation beyond a difficult and complicated tragedy.

Ultimately, this book is an attempt to understand the complex Sudan crisis through a series of essays on various aspects of the problem. The rapid pace of change in the country and the complexity of the political process mean that most accounts of the problems in Sudan are quickly overtaken by events. This book is no exception to that limitation.

The chapters have been written in what is hopefully an easily accessible form that will appeal to a general reader. The intention of the book is thus to do no more than introduce this difficult subject to a broader public and to understand it as one of the major challenges facing not only the African continent but the world. The Institute would like to thank all the authors who have contributed to this effort.

Brian Raftopoulos
Institute for Justice and Reconciliation, Cape Town
A displaced woman in Sissi, West Darfur.
1 Sudanese Civil Wars: Multiple Causes, Multiple Parties – One ‘Comprehensive’ Agreement?

Sara Basha

In August 1955, four months prior to independence, conflict broke out in Sudan. This civil war, which started as a dispute between the north and the south, turned into a complex and protracted series of conflicts, with the impact of colonial legacy and access to power and resources – in particular water, land and oil – at the centre of the problem. Issues of national identity, religion and ethnicity have all contributed to the Sudanese civil wars.

Since independence, Sudan has been at war for more than 39 years – experiencing peace for only 11 years. One of the longest and most devastating armed conflicts in Africa, the north–Southern Sudanese civil war has claimed the lives of millions – from either direct violence or war-induced disease and starvation. Estimates show that the first civil war (1955–1972) claimed the lives of about 500,000 people and more than a million were forced into exile. Two million lives were lost during the second civil war (1983–2005) and an additional four million people were internally displaced. A further 200,000–400,000 lives have been lost during the recent conflict in Darfur.

When discussing Sudan, the terms north and south are commonly used
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to indicate the regional divide and parties involved in the conflict. North loosely refers to the eastern, western, central and northern regions of the country, while the south applies to the ten provinces in the southern region: Eastern Equatoria, Western Equatoria, Bahr el-Jabal, Northern Bahr el-Ghazal, Western Bahr el-Ghazal, Warrab, Unity, Upper Nile, Lakes and Jonglei. North, therefore, covers 15 provinces with about two-thirds of the land mass and population.

The origins of the Sudanese conflicts are usually explained in two distinct approaches. The first describes the civil war as an ongoing confrontation between two cultures – Arab and African, leading to an ‘African-Arab divide’ – which became the fundamental problem that beset Sudan. In the context of Sudan, the term ‘Arab’ does not necessarily mean the Arab race found in the Middle East or North Africa. Arab groups in Sudan are mixed with African races to varying degrees – less so in the central Nile Valley than in Darfur or Kordofan. The only Arab group that is not mixed is the Rashaida group who settled in the east in the 1870s.

The population in the north is therefore generally identified as Arab in terms of racial classification, with Islam as the dominant religion. However, it is important to note that the Beja tribe in Kassala and the West Africans claiming Sudanese status in Darfur do not claim to be Arab even though they identify with Islam. Sudanese people in the south are racially known as Africans, mainly Nilotics and Nilo-Hamites, and predominantly follow indigenous beliefs, with only about 5%, mainly the political elite, practising Christianity.

The second approach explains the conflict as a consequence of Anglo-Egyptian condominium rule, which created the northern and the southern regions through artificial boundaries. This refers to the British policy of indirect rule through tribal chiefs and to the Closed District Ordinance that separated the two regions in the 1920s.

However, it is important to note that the historical processes that separated the north and the south of the country had already begun during the first colonial period under Turko–Egyptian rule (1820–1881). Though Islam came to Sudan around the 7th century, the effect of Arabisation and Islamisation was only felt after Turko–Egyptian rule forced northerners to participate in the slave raids. Furthermore, once Khartoum – a riverine
city – became the capital of Sudan in 1833, a pattern of centre-periphery relations was reinforced wherein the centre (riverine Sudan and its immediate surroundings) was politically and economically dominant, while the rest, including the east (Kassala), Darfur, Blue Nile, Kordofan and southern regions, were marginalised. The consequence was obvious once the economic and political pattern started to develop in a discriminatory way. This was the beginning of the political situation in existence when Sudan was conquered for the second time and came under Anglo–Egyptian rule.

The socio-political structure introduced and left behind by the Anglo–Egyptian condominium rule created social and regional inequality. Along the Nile River area, education facilities improved and the infrastructure and economy were developed while the rest of the country remained underdeveloped and neglected.

During the condominium rule, families who had held authority under Turko–Egyptian rule were reinstated as part of the government bureaucracy. Influential Sufi Islamic families like the Khatmiyya, who originated with Muhammad Utham al-Mirghani (1793–1853), were given positions in the government. The British allowed the ‘posthumous son of the Mahdi’, Sayyid Abdal-Rahman al-Mahdi, also from the Sufi brotherhood, to collect zakat (Islamic tithes) from Sufi followers. The economic and political power of these families increased under British rule – later culminating in a strong political movement.

With the government based in the north, those included in the activities of the state were the educated elite from Khartoum and its surrounds. The northern elite, who originate from the two families, have dominated the political and economic platform since. This created a division in terms of political participation as well as access to economic resources and wealth (promoted and protected by the state) between them and the rest of the country. Those included in the state/political activities identified themselves with Arab lineage and Islam and looked down on the others – especially from the south – as Africans, non-believers, slaves or Abid (as they were called in Arabic). The southerners, in turn, looked upon the northerners as traitors, associating them with Arab–British colonialism. This social division was formalised by the administrative structure in place at the time, and the situation inevitably led to a centre-periphery relationship.
The north–south dichotomy is shaped not only by the legacy of colonial rule but also by the inconsistent policies of the independence movement. Post-independence political participation and economic benefits in Sudan were dominated by the sectarian parties: the National Unionist Party (NUP), later known as the Democratic Unionist Party (DUP), and the Umma Party founded by the Khatmiyya and Mahdi families respectively. The Islamic Charter Front (ICF), later known as the National Islamic Front (NIF) or the National Congress Party (NCP), joined this elite group after its revival in the 1960s. These groups, all from the central Nile Valley area, represent about 5.3% of the population. The rest of the population – the Muslims in the east and far west (Darfur), non-Muslims in the Nuba Mountains and southern Blue Nile region and the indigenous spiritual believers and Christians in the south – were all marginalised. The socio-economic and political imbalances, inequality and marginalisation thus cut across the whole country.

The *Black Book*, released in 2000 by anonymous authors known as “The Seekers of Truth and Justice”, tabulated the power imbalances in Sudan since the 1950s. For example, between 1954 and 1964, of the 73 ministerial positions in central government, 58 were occupied by the northern elite, 12 by southerners and two by the central region. From 1964 to 1969, the northern elite dominated the government with 67.9% representation, while the south had 17.3%, the central and western regions had 6.2% each and the east had 2.05%. The western region has the largest population, with over six million inhabitants, yet it has the smallest representation. Inequity, injustice and lack of access to scarce resources were not limited to the south. Nevertheless, both instances of civil war broke out in the south and were led by southern guerrilla movements, later joined by other marginalised regions – the Nuba Mountains and southern Blue Nile in the 1980s, Darfur in 1991 and the east in 1997. It is argued that the release of the *Black Book* was one of the reasons for the eruption of the Darfur conflict in February 2003.

**THE SUDANESE CIVIL WARS**

The first civil war was a result of long-term economic, social and political injustices committed against the people of the south. Since the early days
of Turko–Egyptian rule, the southern Sudanese had developed a strong African identity. Economic dominance by the northerners, along with subjugation by foreign traders and slavers, led to a general consensus that they were different. Consequently, the ‘south’ emerged as a political concept in opposition to the ‘north’, which was predominantly identified with Islam and an Arab culture. When Sudan moved towards independence, the reality of historical and cultural differences was acute.

The federal arrangement granted to the south under the Independence Resolution was violated when the newly established National Constitutional Committee consisting of 46 members (only three of whom were from the south) rejected the provision for federal arrangement. Not only were southerners disappointed, they lost trust in the government and began a struggle for their right to self-determination and autonomy with the hope of eventual secession. Anyanya (a group of ex-southern Sudanese soldiers) and the Southern Sudan Liberation Movement (SSLM) led the struggle. Grounded in the fact that the two regions were separately administered by the British, they believed that:

- the people of the south had faced long-term economic, social and political injustices; and
- the two regions differed in terms of religion, language and culture. (Ali & Matthews, 2004: 283)

The government’s assimilation policies pursued throughout the country aggravated the conflict. A number of coups, counter-coups and popular uprisings removed both civilian and military regimes. However, the changes in government did not bring change in the lives of the people, particularly those who were marginalised. As the violence escalated, political differences between the representatives of government and the representatives of the southern people became sharper. As the cycle of war persisted, the challenge of building a unified sovereign state became more formidable.

After several attempts, the Addis Ababa Agreement between the Government of Sudan (GoS) and the SSLM was signed in 1972 in Addis Ababa, Ethiopia. The main aspects of the agreement were: 1) the division of functions and power, and 2) the military arrangement. According to the agreement, the southern region was granted self-governing status within the
Republic of Sudan. An 18-month interim administrative body responsible for setting up the administrative arrangements, regional civil service and the Assembly was also put in place. However, economic arrangements were not given as much consideration.

The agreement granted political leadership and control to the SSLM in the southern region. The functions of public order, internal security, efficient administration and the development of the southern region in cultural, economic and social fields were placed within the jurisdiction of the regional government, while national defence, external affairs, currency and coinage, communications, customs and foreign trade, nationality and immigration, educational planning, planning for economic and social development and public audit were under the authority of the central government. The south could also establish financial autonomy by raising revenues from local taxation although it would receive additional revenues from the central government.

Absorption of the Anyanya guerrilla forces into the national army was one of the pillars of the agreement. Responsible for internal security in the south, the southern command joined the national army made up of an equal number of northern and southern troops. Out of the estimated 10,000 Anyanya troops, 6,000 would be integrated into the national army while the remaining 4,000 would join the police force or prison service in the south or be integrated into civilian life. Full integration of Anyanya into the national army was to be completed within five years.

The Addis Ababa Agreement was incorporated into the 1973 constitution – the first permanent constitution. By way of safeguarding the Constitution, any amendments were possible only through a three-quarters vote in the National Assembly to be confirmed by a two-thirds majority in a referendum in the southern provinces. Even so, the agreement was violated 11 years later when, amongst other things, General Ja’afar Mohamed Numeiri, leader of Sudan at that time, instituted sharia as ‘the sole guiding force behind the law of the Sudan’. (Lesch, 1998: 55)

With the discovery of substantial oil deposits in the Bentiu district (a border area between the north and the south) in 1978, southern Kordofan and Upper Blue Nile in 1979, Unity oilfields in 1980, Adar oilfields in 1981 and Heglig in 1982, Numeiri attempted to shift the north–south boundary. Access to these areas meant significant economic benefit and strength to
whoever controlled them. For Khartoum, being in charge of these oilfields was clearly more important than respecting the Addis Ababa Agreement.

The agreement was further endangered when the government unconstitutionally divided the south into three provinces. Southerners saw the move as an attempt to neutralise the role of the regional government and weaken the southern voice through a policy of divide and rule. These developments led to the second civil war, which lasted for about 21 years.

Concurrent with the violation of the Addis Ababa Agreement, there was strong opposition to government action throughout Sudan. The government transfer of farmland from both Muslim as well as non-Muslim farmers in areas extending from Darfur to the Blue Nile to merchants and government officials (the northern elite) from the central Nile Valley had a catastrophic impact on the population. Moreover, civil unrest and opposition to the government was growing stronger in the north, spreading to Juba and Wau in the south, Port Sudan in the east, Merowe and Atbara in the north and Wad Medani, Kosti, Rufaa, El Manqil and El Huda in the central province. These developments broadened the dimensions of the Sudanese problem.

Under the leadership of Dr John Garang de Mabior, the Sudan People’s Liberation Movement/Army (SPLM/A) began the struggle in 1983 with a new agenda of creating a pluralist political system in Sudan – a ‘New Sudan’. The SPLM identified itself as a national movement with the broad objective of bringing about political reform in the greater Sudan. It identified itself as a social movement for all Sudanese and did not intend to fight exclusively for southern autonomy. It aimed rather to establish a New Sudan that would reflect the diversity of the country and ensure equal access to economic and political power for all groups. According to the movement’s manifesto, ‘the SPLA/M programme is based on the objective realities of Sudan and provides a correct solution to the nationality and religious questions within the context of a united Sudan, thereby preventing the country from an otherwise inevitable disintegration … The New Sudan as a concept, therefore, strives to establish a new cultural order in the country’. (Mohamed Salih, 1994: 198)

When war broke out in the Nuba Mountains and Blue Nile areas in the 1980s, Darfur in 1991 and the east in 1997, it was clear that the problem in Sudan was no longer a north–south conflict.
Since the first parliamentary election, the relationship between state and religion has been contentious. Resistance to religious domination was a source of conflict, not just in the south, but also in the other marginalised provinces of Darfur, Kassala, Kordofan and Blue Nile. Muslims who preferred non-theocratic secular government were also excluded from mainstream political participation.

Sharia was first instituted during the Anglo–Egyptian rule. The British instituted sharia for fear of Mahdist revivals and the religious elite who could easily be mobilised against foreign conquest. Although Islam was implicit in northern Sudanese nationalist discourse from the 1920s, political Islam (Islamism) as an ideology was not the focus. It is therefore important to make a distinction between those who practise the religion (Muslims) and those who are determined to establish a local expression of an Islamic social and political order.

Political movements that emerged in the 1930s and 1940s among the northern Sudanese, for example the Umma party or the NUP, were based on ethnic and family allegiance and not on religion. The processes of Islamisation and Arabisation thereafter (post-independence) had more to do with creating national unity and less to do with political ideology. Like many countries coming out of colonialism, a single national identity was seen as a unifying force. For the ruling elite in Sudan, promoting Arab culture and Islam were considered the best way of unifying the nation. Hence, Arabic was made compulsory in schools throughout the country and the weekly day of rest changed in the south from Sundays to Fridays. By 1964, all Christian schools in the south were closed.

These aspirations were carried out by incoming administrations, including democratically elected governments, transitional authorities and military regimes. All positions in these governments were held by the riverine elite whose common ambition was to establish an Islamic state. In his maiden speech as prime minister in 1966, Sadiq al-Mahdi expressed his wish to introduce an Islamic constitution in Sudan. He stated: ‘the dominant feature of our nation is an Islamic one and its overpowering expression is Arab, and this nation will not have its entity identified and its prestige and pride
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preserved except under an Islamic revival’. (Wai, 1981: 117) This was followed by the drafting of the constitution in 1968, which termed Islam the official religion and Arabic the official language.

Islamism – an Islamist movement with a specific religious and political ideology – did not begin until the birth of the Sudanese wing of al-Ikhwan al-Muslimun (the Muslim Brotherhood) in 1949. Even then, the ICF did not function as a strong political movement until its revival in 1962 led by Dr Hassan al-Turabi, a member of the Mahdi family. As a political group, the concern of the Islamist movement since the 1960s has been to attain an Islamic constitution that ultimately guarantees an Islamic state with specific political, economic and social policies. The advocacy of an Islamic state with Islamic identity became a threat to the legal and political rights of non-Muslims.

The movement towards an Islamic state was taken further when President Ja’afar Numeiri adopted sharia law as national law in 1983. The legacy of Numeiri’s action survived into al-Bashir’s government and sharia became a major political topic tied to the state. Islamic control strengthened when the NIF introduced the ‘Sudan Charter’, which stated clearly that ‘Islamic jurisprudence shall be the general source of law’. (Jeppie, 2000: 15)

PEACE INITIATIVES

The Sudanese civil wars have seen an abundance of negotiations for peace – what the International Crisis Group (ICG) called ‘the traffic-jam of peace initiatives’. Efforts to end the second civil war began as early as March 1986. To consolidate opposition forces, a group of professionals and trade unions invited the SPLM, Umma and various secular and regional parties to a conference in Koka Dam, Ethiopia. The meeting also contributed to the formation of an alliance of 14 political parties, later known as the National Democratic Alliance (NDA), which pledged to work out a formula to end the conflict and build a politically stable society.

The final declaration adopted in Koka Dam called for a constitutional convention ‘to discuss the basic problems of Sudan and not the so-called problem of southern Sudan’. (Koka Dam Declaration) Through this
the Koka Dam meeting hoped to revoke the September ruling that had adopted sharia as the state law. It also sought to reinstate the 1956 constitution on an interim basis, with an amendment to incorporate regional government as approved in the Addis Ababa Agreement. Despite the positive efforts of the Koka Dam Declaration, the achievements of the meeting were undermined by the absence of major parties such as the DUP and NIF – the latter constituted strong opposition at the time.

Even though the 1989 coup put an end to the internal peace-making efforts, it opened the way for external involvement throughout the 1990s. Different peace attempts were facilitated by President Jimmy Carter (1989, 1995 and 1997) and President Ibrahim Babangida (Abuja I and Abuja II in 1992 and 1993 respectively). The Inter-Governmental Authority on Development (IGAD) Regional Initiative (1993–94 and 1997) and the Egypt–Libya Initiative (ELI) of 1999–2001 also attempted to end the conflict. Each initiative contributed to the final Comprehensive Peace Agreement (CPA) signed in January 2005.
Sudanese Civil Wars

Abuja I and II

The Abuja talks (1992 and 1993) laid down essential principles that shaped future peace talks. At the beginning of the talks, the SPLM was weakened by the split in the movement (into the Troit and Nasir factions). This allowed the government to gain the upper hand and to take a firm stance on the issue of sharia law and the continuation of Islam as the state religion, as well as the use of Arabic as the official language of the country. In addition to the question of self-determination, these issues were the stumbling blocks to the Abuja peace process. The SPLM/A demanded a confederation, while the government reiterated its determination to exercise sharia law throughout Sudan.

Although Abuja failed in its bid for peace, it did succeed in getting the parties to commit to an interim arrangement and to ensuring the decentralisation of power and equitable sharing of national wealth. The talks also established an environment in which the parties agreed to negotiate further on issues like maintaining the ceasefire, the relationship between state and religion, commitment to the unity of Sudan, and defining the relationship between the central government and the different regions. The main achievement of the Abuja talks, however, was the merging of the two SPLM/A factions into a single delegation focused on a common goal.

IGAD Peace Talks

When Abuja failed in June 1993, the Inter-Governmental Authority on Drought and Development (IGADD), the predecessor of today’s IGAD, launched a peace initiative in September of that year. In pursuit of regional security, peace and stability and within the framework of regional cooperation, the IGADD frontline states, Eritrea, Ethiopia, Kenya and Uganda led the initiative with a clear interest in containing the civil war in Sudan as well as stopping the spread of Islamism, which Khartoum had begun exporting to its neighbours since 1992.

IGAD’s peace-making efforts also coincided with the post-cold war dynamics of building regional and international security through encouraging
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regionalism and regional organisations. IGAD’s role in this regard was further strengthened with the establishment of the IGAD Partners’ Forum (IPF), a partnership between IGAD and major Western donors, including the United States, Italy, the United Kingdom, Norway and the Netherlands.

In March 1994, IGAD established a Standing Committee on Peace in Sudan and initiated dialogue between the GoS and the SPLM/A. Rather than helping the parties to work out the terms of their compromise, the frontline states – interested in countering the NIF’s policy in the region – circulated their own proposal for peace. Mindful of previous peace talks in Addis Ababa in August 1989, Nairobi in December 1989, Frankfurt in January 1992, Abuja I in May/July 1992, Abuja II in April/May 1993 and Nairobi in May 1993, IGAD introduced a draft Declaration of Principles (DOP) to the parties.

The DOP focused on two main issues, namely the right to self-determination for the south and other disadvantaged areas, and a transitional period within which permanent arrangements were to be finalised. Picking up from the Abuja talks, the DOP addressed the following concerns: an interim system of governance, sharing of wealth and resources, and security arrangements. Although unity was a priority, the DOP presented the south with the right to self-determination. It further declared that maintaining unity was dependent on the establishment of certain principles in the political, legal, economic and social framework of the country; these included full recognition and accommodation of diversity, political and social equality for all, the establishment of a secular and democratic state, and the appropriate and fair sharing of wealth. (DOP, 1994)

While the SPLM/A accepted the draft DOP, the GoS rejected both the notion of separating state from religion and the principle of self-determination. Khartoum made a firm stand and reiterated that Sudan’s unity was non-negotiable and secularism unacceptable. The deadlock worsened with the deteriorating bilateral relations between Sudan and the frontline states, starting with the border tension with Eritrea in 1994 followed by diplomatic tension with Uganda and Ethiopia in 1995. The IGAD talks, which began as an effort to end the civil war, shifted the situation to all-out confrontation, with Khartoum rejecting the DOP and continuing to destabilise its neighbours.
Regional isolation, military engagement of the neighbouring countries and the SPLM/A’s victories in the field left the GoS no other alternative but to negotiate and accept the DOP as the basis for talks. By 1995, Ethiopia, Eritrea and Uganda stepped up their military assistance to the SPLM/A to the point of sending forces into Sudan. However, the process was weakened when Ethiopia and Eritrea got involved in a border conflict in 1998 and Uganda shifted its attention to the conflict in the Democratic Republic of Congo (DRC).

Egypt–Libya Initiative

Once the IGAD peace process reached a stalemate, Egypt and Libya, both driven by their own interests, initiated the Egypt–Libya Initiative (ELI) in 1999. Since the 1970s, Sudan, Egypt and Libya had ambitions to form a broader Arab coalition in the region. Even if the ambitious plan did not go beyond paper, the latter two continued to want Sudan to remain within the Arab fold.

The ELI was seen to reflect an Arab view on the peace process. Egypt and Libya were mainly concerned about the lack of opposition from the north in the IGAD talks. At the same time, both countries promoted their own interest, which in general was to reconcile the north and somehow draw some of the northern opposition members into the NIF. But the initiative did not address the central issues – self-determination for the south and the relationship between state and religion – and therefore lacked support from the SPLM/A, which wanted to see the initiative linked to the IGAD process. Despite the SPLM/A’s reservations about the ELI, the NDA leadership accepted it.

Revival of IGAD Talks

By late 2001, the ELI was nowhere close to bringing the parties to an agreement. This failure led to a broader appreciation of IGAD’s Declaration of Principles. The IGAD initiative was also praised for establishing a workable relationship with the belligerents and exhibiting institutional focus and international legitimacy. Nevertheless, IGAD was too weak to apply pressure on the parties to reach any form of agreement. At this stage, it was evident that IGAD lacked political leverage over the parties – this only came
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Once international pressure was placed upon them.

It was only in 2001, when the US showed interest in the Sudan peace process, that progress occurred. With the September 11 bombings in the US, and the ensuing US global policy on the war against terror (Sudan was one of seven countries on the State Department list of state sponsors of terrorism) there was strong local pressure from key constituencies such as human rights activists, churches, American humanitarian agencies, the oil lobby and the Congressional Black Caucus for the Bush administration to increase engagement in Sudan. Furthermore, as Sudan’s oil production increased and its potential to contribute to the international oil industry became more evident, international interest in the country’s internal politics grew. These factors led to added international commitment to revive and reinstate the IGAD peace talks.

It was in this context that the IGAD talks were taken further, leading to the Machakos Protocol in 2002, the agreements on security arrangements in September 2003, wealth-sharing in January 2004 and power-sharing in May 2004, as well as the resolution of conflict in Southern Kordofan/Nuba Mountains and Blue Nile States and in Abyei area in May 2004.

In December 2004, the GoS and the SPLM/A signed the protocols on the Permanent Ceasefire Arrangement and the Agreement on the Modalities of Implementation for the Agreements/Protocols. The Comprehensive Peace Agreement (CPA) containing the rest of the protocols was signed in January 2005. By signing these agreements parties committed themselves to a new start.

CONCLUSION

There is no single root cause that explains the Sudanese conflict. In addition to the legacy of colonial rule, the emergence of the northern or riverine elite at the centre of political power, the failure to address the relationship between state and religion and the southern question have all contributed to the problem. Furthermore, political and economic exclusion of certain groups and ideological warfare have significantly contributed to the complexity of the conflicts. It is also important not to forget the duration of the
fighting, which impacts greatly on understanding the dynamics: the longer the conflict, the more Sudan's diversity – racial, religious, ethnic and cultural – has been politicised and manipulated.

Since independence, Sudan has been administered by nine different governments (three civilian, three military and three transitional) under five constitutions. Each authority that seized power promised change and a better future, but none lived up to its promise. Although the civil wars began in the south and were led by southern movements, the struggle for change, representation and participation in the distribution of power and wealth were issues not confined to that region. Grievances in Darfur, the eastern region, the Nuba Mountains and the southern Blue Nile were also evident. This substantiates the argument that the Sudanese problem goes beyond the conventionally understood north–south conflict and is between the centre and the periphery: Khartoum versus the rest of the country.

The IGAD peace process was initiated and concluded through external pressure. Interest from other countries including the US, Britain, Uganda, Ethiopia and Eritrea forced the GoS and the SPLM to negotiate. The fact that the CPA was signed between only two parties, leaving other stakeholders and marginalised groups outside the process, is the fundamental weakness of the agreement. On the one hand, the CPA ended a long and bloody civil war that claimed millions of lives. On the other hand, the challenges of confronting the broader historical legacies and structural problems in Sudan remain.
The arrival of the Archbishop of Canterbury, the Most Revd Rowan Williams, in Juba during his eight-day visit to Sudan in March 2006.

Juba, Southern Sudan.
In 2006, Sudan celebrated 50 years of independence from condominium rule. The Comprehensive Peace Agreement (CPA) signed in January 2005 is the first peace initiative in these 50 years that has come close to diagnosing and grappling with the causes of the civil wars that have plagued Sudan since independence. According to Deng Alor Kuol (1999), spokesperson in the 1990s for the Sudan People’s Liberation Movement/Army (SPLM/A), the CPA’s sophisticated and complex system of governance, if adhered to and successfully implemented, would pave the way to a lasting peace in Sudan.

The Declaration of Principles (DOP), which set the basis for resolving the conflict, was introduced in July 1994 by the Inter-Governmental Authority on Development (IGAD), a sub-regional body comprising seven east African states, namely Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda. These principles include:

- maintaining the unity of Sudan;
- guaranteeing the equality of all people in Sudan;
- establishing a secular and democratic Sudan in which religion and state are separate;
- fair sharing of wealth; and
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- recognising the right of the people of southern Sudan to self-determination, including independence in the absence of an agreement.

Using the DOP as the basis for peace, the CPA balanced the key principles: maintaining the unity of Sudan while promising the south the right to self-determination. The CPA provided for a six-year interim period during which the separation between state and religion would be respected, wealth and power would be shared between the government and the SPLM/A, security arrangements would be put in place and a resolution on the three disputed areas (Abyei, Blue Nile and Nuba Mountains) ought to be achieved. The interim period concludes in 2011 when a referendum will give the people of the south the opportunity to vote for secession or unity. The referendum will be preceded by a national election in 2009.

The CPA is a bilateral agreement between the SPLM/A, as the sole representative of the south, and the Government of Sudan (GoS), loosely seen to represent the entire north, the east, the west and the centre. Such a narrow definition of the parties to the conflict has sidelined other political groups and actors, making the agreement vulnerable to criticism. Furthermore, the agreement leans towards the usual but inaccurate approach of looking at the Sudan problem in a fragmented way, ignoring the much bigger and broader issues. Consequently, the CPA has been accused of lacking a nationwide dimension that would make it genuinely comprehensive. Its focus on the north–south conflict has been criticised as a deliberate move by parties to the agreement and the actors that supported it. The effect of such an approach became clearer once the situations in Darfur and the east escalated.

In March 2006, Human Rights Watch reported that the ‘CPA’s exclusion of other parties made it much less than its “comprehensive” title promised’. The word ‘comprehensive’ in the agreement should therefore be understood within the context of the north–south conflict and should not be confused with the unrest in other parts of the country. It has been argued that the CPA would serve as a template for addressing the concerns of other marginalised groups, including Darfurians in the west and the Beja and Rashidiya in the east. However, it is unclear whether the CPA led to the signing of the Darfur Peace Agreement (DPA)
in May 2006 and the East Sudan Peace Agreement (ESPA) in October 2006, or if it made the situation worse.

THE NEGOTIATION STRUCTURE AND IMPLEMENTATION PHASE

Analysts argue that the success of the peace talks was dependent on the personal relationship and commitment of the leaders of the two negotiating teams: then First Vice-President Ali Osman Taha representing the Government of Sudan and the SPLM chairman John Garang representing the south. As most of the agreement was negotiated between the two – aided by a small group of trusted supporters – John Garang’s death in a helicopter crash in July 2005 ‘has damaged, if not killed, this partnership’. (International Crisis Group, 2006: 3) The impact on the process, momentum and execution of the CPA has been enormous. A major concern has been the implementation schedule and agenda, which at the moment is controlled by the president rather than the presidency as set out in the CPA. Garang’s successor, Salva Kiir, who is First Vice-President of Sudan as well as President of the Government of Southern Sudan (GoSS), is faced with the responsibility of pushing the process forward together with the NCP. The NCP, in turn, has been criticised by a number of observers for not showing good faith towards implementing the CPA. Whilst driving the process, Kiir also has to maintain the unity of the SPLM, which is accustomed to Garang’s leadership.

Despite delays, the CPA is functioning. With significant support from the international community including the United Nations (UN), the African Union (AU), IGAD and donor countries, in particular the US, UK, Italy, Norway and the Netherlands, peace building is moving forward. So far, international commitment to rebuild Sudan, especially southern Sudan, has been positive. During the ‘Oslo Donors’ Conference on Sudan’ in April 2005, international donors pledged $4.53 billion to fund reconstruction projects, address humanitarian and development needs and to support the Government of National Unity (GoNU) and the newly established Government of Southern Sudan.

The CPA is meant to address the core concerns that triggered the north–south conflict in 1955, namely: the question of national identity; the
socio-economic and political gap between the centre and periphery; and the constant threat of ‘Arabisation and Islamisation’ by the ‘northern elite’. (Rogier, 2005) The agreement is therefore designed to engage Sudan as a multi-racial, multi-ethnic, multi-religious and multicultural society.

To tackle the socio-economic and political marginalisation, the CPA placed emphasis on power-sharing, wealth-sharing and security arrangements via a ‘one country, two systems’ structure. The north is placed under the authority of the NCP and the south is autonomous under the SPLM-administered GoSS. In terms of the CPA, the disputed areas of the Blue Nile and Nuba Mountains are placed under a separate administrative structure, while Abyei is granted a special status. Meanwhile, Darfur and the east are also under separate administrations because of the unrest. An analyst in Khartoum explained that Sudan is presently administered as one country with seven different systems while the Khartoum state is also functioning separately. Given the political context and the reality on the ground, the immediate and long-term challenge lies in running a cohesive government within such a fragmented system.

POWER-SHARING ARRANGEMENTS

The crux of the power-sharing agreement lies in a guarantee of unity while introducing an autonomous interim government in the south. The CPA has provisions on the question of human rights, the rule of law and democratic governance. It establishes citizenship as the basis for rights in Sudan. An Interim National Constitution (INC) drafted by the National Constitutional Review Commission (NCRC) was adopted in July 2005. A bill of rights, which obliges all levels of government to respect, uphold and promote human rights and fundamental freedoms, is enshrined in the INC.

However, power-sharing is mainly between the NCP and the SPLM. The National Assembly consists of 450 seats representing 17 parties and groups. Representation in the National Assembly during the interim period is based on a quota system where the NCP holds 52% of the seats, SPLM 28%, other northern political parties 14% and southern parties 6%. In total, the NCP–SPLM coalition controls 80% of the Assembly, which affects parliamentary
votes requiring a two-thirds majority. The current NCP dominance in the Assembly is expected to continue until the first national election in 2009. Furthermore, the GoNU failed to include representatives from the east and the west until the signing of the Darfur Peace Agreement (DPA) in May 2006 and the East Sudan Peace Agreement (ESPA) in October 2006.

Under the new structure, 16 Cabinet positions went to the NCP, nine went to the SPLM and the remaining four were distributed among opposition parties: the Umma and the Democratic Unionist Party (DUP) from the north; the Union of Sadan African Parties (USAP) and the United Democratic Salvation Front (UDSF) from the south. Of the key portfolios, the SPLM has only the Ministry of Foreign Affairs and even that is headed by Lam Akol who was Khartoum’s ally in the 1990s when the SPLM split into six factions. Other key ministries such as Finance, Energy and Mining, Interior, Defence and Justice are all led by the NCP.

According to reports, there was an unwritten agreement during the peace talks between Garang and Taha that the SPLM would head either the finance or energy ministry. However, at the time of assigning portfolios – which was done after Garang’s death – the NCP took over both ministries. Some blame First Vice-President Salva Kiir for not negotiating firmly to the advantage of the people of the south. Salva Kiir defended his position, arguing that he pleaded with al-Bashir to relinquish the Ministry of Energy and Mining as a gesture of unity. However, al-Bashir replied that southerners were going to vote for secession irrespective of whether or not they had the energy ministry. (Human Rights Watch, 2006) Kiir also claimed that finance is effectively split between the GoNU and GoSS where the south remains in control of its own region.

Both al-Bashir and Kiir have made controversial statements. For Kiir to argue that the south is in control of the GoSS could be interpreted as showing a lack of interest in what the SPLM fought for, or at least in what is written in its manifesto, ‘A New Sudan’. On the other hand, this could be indicative of a split between the unionists and the separatists within the SPLM (i.e. Garang’s camp and Kiir’s camp respectively). Furthermore, al-Bashir’s conviction that the south is going to vote for separation will demoralise those working towards a united Sudan. If both views reflect that of their respective movements, then unity is in jeopardy.
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Government of Southern Sudan

Establishing a functioning government in the south has been a challenging task for the SPLM. It has had to transform itself from a liberation movement into a government, a political party and a professional army, which so far has not been easy. As the major party in the south and signatory to the CPA, the SPLM dominates the political space in the GoSS with 70% representation in the Southern Sudan Assembly inaugurated in September 2005. Other southern political entities and groups are entitled to only 15% representation, and the remaining 15% goes to the NCP.

According to the Protocol on Power-Sharing in the CPA, the GoSS has ‘authority in respect of the states of southern Sudan … acts as a link with the National Government and ensure[s] that the rights and interests of the people of southern Sudan are safeguarded during the Interim Period’. The functions of the GoSS are determined by the Southern Sudan Constitution signed in December 2005. Its budget is drawn from its share of oil revenue as well as 50% of national tax collected by the central government.

During the 8 months since the agreement was signed, there have been indications of discontent and frustration with the way the CPA is being implemented. Power politics in the south are fragile, manipulating the workings of the GoSS. Disagreement in vision between those who opt for secession and those who support the idea of a New Sudan has divided the people of southern Sudan. The current leadership in the south is known for secessionist views whereas, from the time he began the movement, Garang had been calling for a New Sudan. The differences between these two camps surfaced strongly after Garang’s death.

Prior to his death, there was disagreement over Garang’s extreme control of the movement and the peace process. By confining the negotiating team to a small group of people close to him, Garang contributed to the resentment developing amongst those excluded from the process. Kiir’s complaints about decision-making and the overall lack of consultation and transparency during the peace talks were widely shared. Garang has also been criticised for establishing power structures that suited him, whilst purposely circumventing existing institutions created during the first SPLM convention in 1994 and delaying a South–South dialogue.
The challenges for the SPLM do not end here. Not only is there the enormous task of setting up its system, but the SPLM is also faced with vast expectations from its members – in both the north and the south. In the south, the expectation is around ‘peace dividends’ of hope for change and a better life through service delivery in health care, education and infrastructure. In other parts of Sudan, including the centre, north, Nuba Mountains and southern Blue Nile, members’ expectations are based on the vision of a New Sudan advocated by the SPLM during the 21 years of civil war. In his inaugural speech, John Garang identified four political and security concerns to be addressed under the New Sudan:

- establishing ‘a fair and just political settlement, in Darfur, and in the East’;
- making the CPA ‘truly comprehensive’ by bringing in the National Democratic Alliance opposition umbrella and ‘other political forces’;
- expelling the Lord’s Resistance Army from Eastern Equatoria; and
- stopping sponsorship of tribal militias in the south, since ‘the Government of National Unity cannot sponsor counter-insurgency against itself’. (Africa Confidential, 2005)

With the new style of leadership, most SPLM senior officials close to Garang have allegedly been marginalised and systematically replaced by Kiir’s allies. Senior SPLM figures like Nihal Deng Nihal (Southern Sudan Minister for International Cooperation), Walid Hamid (SPLM spokesperson in the northern region) and Abdelaziz Hilo (responsible for the SPLM northern sector) have recently resigned. In addition, ethnic tension, particularly in the south between the Nuer and the Dinka, is further weakening the party. The need to balance various group interests, establish a functioning government and provide service to the people amidst ongoing security problems and internal power struggles are obvious challenges to the SPLM as a party and the GoSS as a government.

Northern Opposition

In the north, political inclusivity and participation have been lacking. The
National Democratic Alliance (NDA) is an umbrella body holding together different factions and parties, and hence is the strongest opposition group in the north. The NDA has battled both politically and militarily against the government since its establishment in 1990. The first step towards collaboration between the NCP and the NDA began in June 2005 with the signing of an agreement in Cairo, Egypt. This agreement is meant to bring about democratic transformation and to consolidate a comprehensive peace in all parts of the country. However, it has a long way to go.

The CPA was negotiated between the SPLM and the NCP while other opposition groups from both sides were ignored. Shortly after the GoNU was established, the Umma Party, the Popular Congress (PC) led by Hassan al-Turabi and the Communist Party assembled a ‘loyal opposition’ to the GoNU. These opposition groups and others, including the NDA and groups from the south, have demanded an open political system that would ensure a free and fair election in 2009. To this end, there have been increasing efforts to bring marginalised groups such as the Beja People’s Congress, the General Union of the Nuba Mountains and the southern Blue Nile under one broader political umbrella to press for fairer allocation of wealth and power in Sudan.

An important observation made by northerners is the contradiction between the INC and the national laws. Although the INC acknowledges the rights to freedom of expression, press, association and security, the existing laws do not give citizens room to exercise these rights. Northerners, particularly activists and academics in Khartoum, feel that the only difference after the signing of the CPA is that the war has stopped – attitudes, the feelings of the people and the laws are still the same. Voices calling for broader political representation and inclusion are getting louder.

The delays in establishing some of the commissions recommended in the CPA such as the Human Rights Commission and the National Electoral Commission have justified, to a degree, the argument that the NCP lacks commitment. Delay in establishing the Civil Service Commission means that SPLM integration into the national institutions or civil service, beyond the appointees to the GoNU, has been nominal. Of those commissions established, most are not yet functional – because the parties either have not agreed on the rules of procedure or have not yet met.
The immediate challenge for the GoNU as well as the GoSS is the upcoming national election scheduled for 2009. Citizens in the north and the south are anxious to participate in the process, but preparation in the form of civic education around the CPA and the election processes, the participation of political parties as well as voter education is yet to begin.

WEALTH-SHARING

The CPA stipulates that national wealth will be divided between the GoNU and northern states, on the one hand, and the GoSS, on the other. Oil is the major source of revenue in Sudan at the moment and will continue to be for some time. Estimates show that Sudan possesses about 1% of global oil reserves. Hence, oil is a crucial factor that could ensure the sustainability of the peace agreement or lead to its failure.

Smooth implementation of the wealth-sharing system will depend on the demarcation of the north–south borders, especially along the oilfields. The CPA clearly states that the north–south borders will be those inherited at the time of independence. However, there are contested areas that have not yet been clearly defined, and Abyei is one of them. Claims have also arisen, mainly from the NCP, that the Heglig oilfield (70 km north of Unity) lies outside the southern region – significantly, the southern government claims otherwise.

Determining the north–south border will help to identify the oilfields from which the south is entitled to a dividend. Delay in establishing the Ad-Hoc Border Commission has created tension between the SPLM and the National Petroleum Commission. Once the commission is functioning and the boundaries are defined, the National Petroleum Commission established in October 2005 will be in a much better position to determine southern Sudan’s oil share.

The National Petroleum Commission is responsible for developing programmes for the petroleum sector and negotiating and approving all oil exploration and development contracts. However, the International Crisis Group (ICG) reported that parties seem to be stuck on procedural differences and have not yet agreed on the parameters for calculating the oil wealth. To add to this, the National Petroleum Commission has not yet defined its rules
of procedure, its mandate or the composition of the secretariat.

In addition, the fact that the NCP controls the key economic Ministries of Finance and of Energy and Mining casts doubt on its sincerity regarding wealth-sharing and the overall implementation of the peace agreement. Internal disagreement on whether the National Petroleum Commission should be an independent body or part of the Ministry of Energy and Mining is also hampering the process. (CPA Monitor, May 2006)

Southern Sudan and Wealth-Sharing

The main sources of revenue for the GoSS consist of: oil revenue from oilfields in southern Sudan (50%) and the Abyei area (42%); non-oil revenue (11 sources) including 50% of national non-oil revenue collected in southern Sudan; and external development financing. The GoSS’s total share from oil revenue in 2005 was about US$798.4 million. The NCP claims to have spent US$194.5 million on administrative costs for the South Sudan Coordinating Council from 9 January to 9 July 2005 (before the GoSS was established) and to have transferred the remaining US$523.3 million from the balance of US$603.9 million to GoSS. Out of the total revenue for 2005 – including non-oil revenue – the GoSS spent only about US$188,671 million. (Government of Southern Sudan, 2006)

The above figure surely reflects some of the constraints the GoSS is faced with. Reconstructing and developing southern Sudan requires more than the amount the GoSS has at its disposal. However, lack of capacity is currently a greater limitation than the shortage of funds. Working in an environment where the necessary facilities such as banking, treasury, schools, hospitals, transport, infrastructure and other services are lacking is indeed a problem.

There are also reports indicating that the GoSS is not getting its full share of oil revenue. According to the ICG, the GoSS does not have access to key data on oil production despite having a senior representative in the Ministry of Energy and Mining. Neither does it have any way of knowing how much of the oil revenue it is entitled to. The Joint Assessment Mission (JAM), established to determine the country’s development needs, has estimated that GoSS’s share from oil revenue is about US$1.2 billion (as per the CPA and national government budget for 2005), yet by the end of February 2006
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it had received a little less than US$800 million.

Meanwhile, the Multi-Donor Trust Funds (MDTF) approved a reconstruction and development budget of US$225 million for healthcare projects including improved service delivery, capacity building of the government and access to basic health services. A further US$473 million was approved for education and skills training for primary school students, internally displaced persons (IDPs), demobilised soldiers and others. In addition, the GoSS recently donated US$30 million to the UN World Food Program for a roadwork project in the region.

SECURITY ARRANGEMENTS

The complex security provisions in the CPA call for the disengagement of forces, disarmament and demobilisation processes, as well as the redeployment of the Sudan Armed Forces (SAF) from the south and the SPLA from the north, southern Blue Nile, Nuba Mountains and the east.

The CPA allowed the SPLA to remain a separate army alongside the SAF. Throughout the war, the SPLA consisted of conscripts and volunteers who joined because they believed in the cause. A priority for the SPLM has been to transform the SPLA from a rebel group into a professional army. Challenges so far have been conducting a headcount of all the SPLA fighters, introducing a proper payroll system, and identifying and assessing the skills of the soldiers. Those who are not qualified to join the new army will be discharged and enrolled in the disarmament, demobilisation and reintegration (DDR) programme.

Delay in the formation of the Joint Integrated Unit (JIU), comprising the SPLA and the SAF, is causing insecurity, especially in the south. According to the UN Secretary General’s report on Sudan (S/2006/728), it is unlikely that the parties will meet the October 2006 deadline for the completion of relocation, training and deployment of the units. Despite these delays, there has been progress in troop withdrawal from both sides. In accordance with the provisions of the ceasefire agreement, parties have provided information and statistics on their troops’ strength, arms and military equipment. While complete troop withdrawal is expected by mid-2007, there has been
The Comprehensive Peace Agreement

significant progress in the redeployment of the SPLA and the SAF along the 1956 borders. According to the September 2006 CPA Monitor, both the SPLM and the SAF have withdrawn more than 60% of their armies. With logistical support from the SAF, in June 2006 the SPLA also started to withdraw from Hamashkoreb, the largest town in eastern Sudan.

In accordance with Article 7(a) of the agreement on security, both parties consented to expedite the incorporation and reintegration of other armed groups allied to them into their armed forces, other organised forces, the civil service and civil society institutions. However, the process of integrating these groups has been slow and southern Sudan is experiencing insecurity and instability.

In January 2006, the SPLM and Southern Sudan Defence Force (SSDF) signed the Juba Declaration confirming that the SSDF would be integrated into the SPLA. The reconciliation talks between the SPLM and the SSDF are a culmination of years of negotiation between the two and an outcome of a south–south dialogue initiated by Garang in April 2005 in Nairobi, Kenya. However, the declaration has yet to be implemented. By late February 2006, most SSDF commanders officially declared their allegiance to SPLM and joined the SPLA forces, while a minority decided to remain loyal to the SAF. On the other hand, there are about 18 militia groups in the south that remain a threat to peace in Sudan.

Despite the Juba Declaration, there are real concerns. Foremost is the differing vision within the SPLM. During Garang’s era, trust – particularly between Garang and then SPLA chief of staff, Salva Kiir – was an issue. Just before the helicopter accident, Garang selected Kiir to act as the vice-president of the GoSS and appointed Oyai Deng Ajak as the chief of staff. Since Kiir has taken over the chairmanship, there has been tension between Kiir and Ajak after Kiir requested that Ajak move from chief of staff to minister of SPLA Affairs, with the intention of appointing a new chief of staff from his own area, Bahr el-Ghazal. (International Crisis Group, March 2006: 10)

THE THREE DISPUTED AREAS

The three disputed areas, namely Abyei, Nuba Mountains and southern
Blue Nile, are crucial components to the peace agreement. These regions were critically affected by the civil war and the CPA makes provisions for their benefit in post-conflict intervention and recovery.

Abyei is a strategically important bridge between the north and the south. For over two centuries, Abyei was used for cattle grazing by the Ngol Dinka, kin to the Dinka community in the south, and the Misseriya, a nomadic Arab tribe from western Sudan. In 1965, during Sudan’s first civil war, fighting reached Abyei and since then the area has been disputed. Recent oil discovery in the region has further complicated the clash.

The Abyei Protocol signed in May 2004 granted the region a special administrative status during the interim period during which it will be governed by an executive council elected by the residents of Abyei. At the end of this period, Abyei residents will get a chance to vote in a referendum and decide on becoming part of the south or remaining with the north. This referendum will coincide with the referendum on secession in southern Sudan.

At the moment, the situation in Abyei is seen as a zero-sum game for the SPLM and the NCP. The Abyei Boundary Commission (ABC), established in 2004 with a mandate to demarcate the area based on historical considerations, submitted its report to the presidency in July 2005. The conclusions of the ABC are binding. It established that historical evidence confirms the permanency of Ngok settlements in pertinent areas north of the Bahr al-Arab even though the GoS stated otherwise. Even if the Abyei Protocol specifically recognises the Misseriya people’s grazing rights, the decision will affect their livelihood. The Misseriya, who are predominantly pastoralists, fear that their access to pastures will be blocked if the Ngok, by far the majority of Abyei’s population, vote to join the south. The ABC recommendations have not yet been approved by the GoS and still await implementation.

The oil factor further complicates the picture. Eighty percent of the oilfields that lie within northern Sudan are found in Abyei. If the south votes for independence and, concurrently, Abyei voters opt to become part of the south, the resultant new international boundary would transfer these fields from Sudan to the newly independent southern Sudan. Although it is difficult to predict the north’s reaction to such an eventuality, it is clear that
the economic and political loss to the north would be great.

The marginalised Nuba Mountains and Blue Nile areas are also under the jurisdiction of the north. Under the CPA, the presidency appointed state governors in both areas. Although the interim constitution of the Blue Nile state has come into force, there is concern over the institutional development necessary to finalise the interim constitution of southern Kordofan.

Although the people of Nuba Mountains and Blue Nile have been sympathetic towards the southern Sudanese people, the NCP has been firm in not allowing debate over the administrative jurisdiction of these areas. Even though these two regions are built into the north as defined by the 1956 boundaries adopted as the key north–south dividing line in the CPA, they have much in common with southerners in terms of their experience and history of marginalisation. The referendum promised to Abyei does not apply to the Nuba Mountains or Blue Nile. It is firmly believed that both regions have existed as part of the north and will remain so.
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CONCLUSION

Given the complex nature of the civil war, the peace process put in place has been equally complex and multifaceted. While both parties are faced with the challenges of implementing the provisions of the agreement, it is significantly more difficult for the SPLM/A given its current position. The SPLM, while struggling with transforming itself into a political party, an army and a bureaucracy, is also trying to keep up with the demands and expectations of its constituencies – north and south – as well as the international community.

The situation in the three transitional areas clearly illustrates that the circumstances in Sudan are beyond the conventional explanation that defines the Sudanese civil war as a religious war or a power struggle between the north and the south. Fundamental issues such as broader political participation, inclusion and reconciliation need to be addressed.

To sustain peace in Sudan, implementing the CPA is vital. If the spirit and provisions of the CPA are not incorporated into the broader socio-economic and political agenda of the country, it would be unrealistic to expect peace to last. Ownership and leadership at all levels is vital. The victims of the two civil wars were the innocent civilians; the champions of the peace should therefore be these same innocent civilians throughout the country.
3 The Internal Post-conflict Dynamics

Yasmine Sherif and Noha Ibrahim

While the Sudan Comprehensive Peace Agreement (CPA) brought an end to the civil war between the north and the south, a strong and lasting peace may prove elusive unless Sudan can overcome the challenges of the peace-building process and translate the CPA into a reality.

GOVERNMENT OF NATIONAL UNITY

Sudan is potentially a rich country. Its multi-ethnic composition, geographical size and the discovery of oil provide potential for both cultural and economic wealth. However, for over two decades the country has been ravaged by civil war, which has affected all aspects of social and economic life in Sudan. The population has suffered immeasurable losses and development has fallen behind that of the rest of the region. On 9 January 2005, parties to the north–south conflict – the Government of Sudan (GoS) and the Sudan People’s Liberation Movement (SPLM) – came to an agreement to end the war and concluded the CPA. While conflict still rages in western Sudan (Darfur) and merits an in-depth review of its own, this chapter is limited to examining the CPA in relation to the north–south peace-building process.

The CPA addresses the underlying causes of the north–south conflict,
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seeking to prevent a relapse into armed struggle and to consolidate peace. It highlights the structural and systematic causes of that conflict and provides for power and wealth-sharing, while also granting autonomy to the south. The Protocol on Implementation Modalities of the CPA outlines a timetable for the process, stipulating a six-year interim period after which the south can determine, through referendum, whether to separate or remain with the north. Provision is also made for the election of a coalition government to replace the single-party system in Sudan. The interim period constitutes a tremendous challenge in achieving broad participation to realise long-term objectives. In a war-torn society, transformation towards sustainable peace will depend on the restoration of the social balance and participation of civil society and political parties.

During 2005, the CPA implementation progressed – albeit slower than anticipated. According to a diplomat from the European Union in June 2006, a number of deadlines have not been met. This is a result of the delays in establishing the various CPA commissions that provide the foundation for institutional reform as envisaged in the agreement. Apart from the National Judicial Service Commission, the National Constitutional Review Commission (NCRC), the Assessment and Evaluation Commission, the Ceasefire Political Commission, the National Petroleum Commission, the Fiscal and Financial Allocation and Monitoring Commission and the Technical Ad Hoc Border Commission, most CPA commissions have yet to be established. These include the National Human Rights Commission, the Commission on the Rights of non-Muslims in the National Capital, the National Land Commissions (one each for the north and the south), the National Civil Service Commission, the National Security Commission, the Council for Development and Promotion of National Languages and the National Electoral Commission.

On a positive note, the NCRC is currently reviewing the National Human Rights Commission Act, the National Civil Service Commission Act and the National Land Commission Act. The draft laws for the establishment of the Human Rights Commission, the National Civil Service Commission and the National Land Commission are expected to be tabled before the National Assembly at the end of October 2006. In this respect, in a workshop held in May 2006 by the United Nations Mission in Sudan (UNMIS),
The Internal Post-conflict Dynamics

civil society organisations, professionals and members of parliament made specific proposals to the Government of National Unity (GoNU) for the establishment of the National Human Rights Commission in accordance with international standards.

Some commentators have attributed the delay to the ongoing conflict in the western (Darfur) and eastern parts of the country, shifting attention and resources away from CPA implementation. (Human Rights Watch, 2006) Furthermore, delay in enacting legislation such as the Electoral Law and National Security Acts – prerequisites for the establishment of key CPA commissions – has placed constraints on effecting the CPA. While the National Congress Party (NCP), in power from June 1989 until August 2005, argues that the transformation of the SPLM from a military movement to a political party is an important factor in delaying the materialisation of the CPA, the SPLM attributes the delay to a lack of political commitment in the north and to ‘the bureaucracy that has been rooted in the country since its independence’. (Mohammed Hassan Daoud, 2006)

The CPA also provides for the establishment of a Joint National Transitional Team (JNTT) to act as an advisory body on economic and political issues, reporting directly to the presidency. Observers have pointed out that the mandate of the JNTT conflicts and/or overlaps with that of the Assessment and Evaluation Commission (AEC) that was established to monitor the implementation of the CPA. However, unlike the AEC, the JNTT comprises national actors. (UNDP Report, 2006)

Meanwhile, the GoNU has begun to implement the Power-Sharing Protocol. This is evident in the now-established partnership between the NCP and SPLM in the executive, the legislative and the judicial structures. In contrast to the less influential ministerial appointments pre-CPA, southerners are now represented in various governmental institutions, including important ministries such as the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Investment and the Ministry of Higher Education, with 16 southerners appointed as ambassadors. In addition, the structure of governance as set out in the CPA and the Interim National Constitution (INC) gives the Government of Southern Sudan (GoSS) autonomy – this is significantly different from that of the 1972 Addis Ababa Agreement.

Sudan has also witnessed some positive change towards the promotion
of good governance and the rule of law. The GoNU considers legal reform and enhancement of the rule of law, especially judicial reform, a priority. This is greatly welcomed since restoring the rule of law in post-conflict societies is a prerequisite for consolidating peace. (Rami Mani, 2002) It fosters a transition from rule by force to the rule of law and represents a path towards the legitimacy and credibility of the new regime, peace building and democracy.

A number of national and international organisations with projects across northern Sudan are engaged in rule of law reform programmes – the UNDP being the largest. Working in partnership with the GoNU and civil society at national, regional and local levels, the UNDP supports projects across Sudan to promote access to justice, providing legal aid, capacity building and awareness programmes for security and law-enforcement agencies, the judiciary, lawyers, national NGOs and internally displaced persons (IDPs).

Progress can be measured in the extensive access achieved. When the UNDP rule of law programmes started in June 2004, the issue of protection under the rule of law was very sensitive in Sudan. The CPA had not been concluded yet, and international organisations were regarded with much suspicion. Since then the UNDP has desensitised the rule of law and gradually won the confidence not only of the government but also of civil society, and now enjoys access to governmental justice institutions. Other international actors involved in the rule of law sector are UNMIS, whose main activity relates to supporting the implementation of the CPA, and the German Max Planck Institute for International Law, which renders advice and technical support on issues related to constitutional law, decentralisation and legislative drafting.

A massive legislative transformation is underway within the Ministry of Justice. In June 2006, a spokesperson for the ministry stated in an interview that ‘revision of the existing laws is a daunting task and challenge facing the ministry of justice’. A Law Review Committee has been established to review laws existing from 1901 to the present. The committee has identified 60 laws that need to be aligned with the provisions of the INC. These include the Criminal Procedure Act, the National Security Act and the Police Act.

Despite these positive developments, observers have noted that the process of legal reform is very slow. A year and a half has passed since the
signing of the CPA and crucial laws have not yet been amended or enacted. Delay in revising these laws means that laws which contravene the INC are still in force. A practical example is that of freedom of association, enshrined in the bill of rights. Recently, a group of professors split from the Union of Workers of the University of Khartoum and formed their own union. However, under the existing law only one union may be established within the same institution. This is a limitation of the bill of rights that may trigger a constitutional dispute.

CIVIL SOCIETY

A strong, vibrant civil society is one of the most important contributing factors towards achieving justice and accountability. Prior to the signing of the CPA, especially during the 1990s, the activities of civil society organisations were constrained by emergency laws and restrictive registration procedures. This resulted in weak organisations with little influence, unable to promote the rule of law and good governance, let alone participate in public policy and political life in the country. However, today, civil society organisations in northern Sudan are relatively well established and their activities vary. For example, the National Centre for Peace and Development, the People’s Legal Aid Centre and Muttawinat address corruption, democracy and the promotion of children and women’s rights and they provide legal-aid services. (World Bank/United Nations Joint Assessment Mission)

The CPA has brought much change in this domain. The number of civil society organisations has increased and they are of the opinion that restrictions on their freedoms have lessened significantly. For example, activities such as documenting survivors’ stories of torture, repression and violence are no longer prohibited.

Civil society organisations such as the Sudan Organisation for Social Development and the Friedrich Ebert Stiftung Foundation disseminate information on the CPA via seminars and the ‘Initiative of Civil Society for Peace’, which focuses on analysing the CPA. Other programmes include confidence building and religious tolerance activities, with a focus on Islam–Christian dialogue. Such confidence building activities are essential to the
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promotion of reconciliation in ‘a multi-religious community’ like Sudan. (Hassan E El-Talib, 2004: 34)

Despite the easing of restrictions, some civil society organisations view these freedoms as ‘marginal freedoms’ because they do not fully meet the provisions of the INC, especially the bill of rights. A case in point is the Organisation of Voluntary and Humanitarian Work Act of 2006, which regulates the activities of civil society. While the Act represents an improvement by removing criminal penalties for NGOs that engage in activities without registration, nonetheless, the registrar and commissioner of the Humanitarian Aid Commission are given considerable powers that curb the freedoms of civil society organisations. A number of advocates have challenged the constitutionality of the aforesaid legislation in a suit brought before the Constitutional Court. At the time of writing, the Constitutional Court has yet to decide on the case.

Criticism has also been voiced by some civil society organisations with regard to the CPA’s silence on ‘how to deal with past human rights abuses’. According to these organisations, the gaps in the agreement with respect to transitional justice mechanisms represent one of its shortcomings. They now pose the question: how will this shortcoming be rectified?

Transitional societies have adopted a variety of approaches to deal with past human rights abuses based on specific needs, culture, capacities and political realities in the country undergoing transition. While it is true that the CPA speaks about national reconciliation and the healing process (Article 1.7, Power-Sharing Protocol), it nonetheless is silent as to the timing and mechanism for achieving this. The GoNU has recently established a National Strategic Planning Council with broad-based representation. This may promote reconciliation through the joint development of a national five-year plan. The Umma Party has called for the establishment of a truth and reconciliation commission to document the past and to promote reconciliation between the parties. However, the appropriateness of transitional justice mechanisms at this point is being debated as there has been no drastic change in the structure of governance in Sudan. But some commentators observe that Sudan can indeed benefit from the South African experience, especially its Truth and Reconciliation Commission.
National Political Parties

Political parties, free and fair elections and popular participation constitute important prerequisites for the implementation of the CPA. Since independence, with the exception of sporadic democratic periods, 'single-party' politics has been a characteristic trend in Sudan. This may change with the CPA implementation.

In the north, the traditional political parties are, among others, the Umma Party (which has split into the Umma Party, Umma Party Reform and
The proliferation of political parties will inevitably impact on the forthcoming elections. On the one hand, it could be argued that the increase in the number of political parties may indicate a willingness to reshape the political landscape and promote a culture of democracy and good governance in the country. On the other hand, the proliferation of political parties may lead to confusion and overcrowding of the political scene in Sudan. In this context, the Sudanese Central Bureau of Statistics, in cooperation with the United Nations Population Fund (UNFPA), has begun training programmes to do the groundwork for the upcoming elections as envisaged in the CPA. By enhancing its technical capacity to carry out a census in time, the foundation for elections can be laid.

Prior to the CPA, freedom of expression was restricted and controlled, publications were banned and censored, properties of publishing houses and newspapers were confiscated, and journalists were subjected to interrogation. However, the situation has changed and post-CPA Sudan has witnessed a steady increase in the number of available newspapers. The media is also playing a crucial role in terms of challenging the GoNU on issues related to the implementation of the CPA. Moreover, restrictions on the activities of political parties have been lifted and such freedoms may empower
them to exercise their role as the voice of public opinion. Draft political party legislation has been produced by a forum of academics and has been presented to the GoNU for consideration.

However, neither the northern nor the southern opposition political parties participated in the peace negotiations leading up to the conclusion of the CPA. As such, their role with respect to the implementation of the CPA could be viewed as marginal and limited to giving advice or offering proposals to the GoNU – without binding effect.

Furthermore, according to the Power-Sharing Protocol, the northern opposition parties were allocated only 14% of the seats in the National Assembly of the GoNU so they opted not to participate. These parties, including the Umma Party (mainstream) and the Popular Congress Party, claim that the representation as provided for in the Power-Sharing Protocol is not ‘fair’, and they regard certain provisions of the CPA as unjust. Moreover, the Umma Party argues that the CPA does not address issues related to inter-religious affairs, cultural matters and transitional justice mechanisms.

While opposition parties agree that the positive aspects of the CPA are the cessation of the conflict between the north and the south, and a broader margin of freedom and democratisation, they argue that the GoNU in post-CPA Sudan has not had any major impact on the economy, education, health, infrastructure and utilities in the north. In spite of these objections, some northern opposition parties under the umbrella of the National Democratic Alliance (NDA) decided to participate and are now integrated in the GoNU at national and state levels.

PROFESSIONAL ASSOCIATIONS

Professional associations can play a vital role in advocacy and in disseminating information. Some observers feel that the role of professional associations in Sudan is very limited because of their affiliation with the government. The Sudan Bar Association, for instance, actively supports the CPA by organising seminars and calling on the general public to engage in and support the implementation of the CPA, and to recognise the need for legal reform. But many argue that the Bar Association is politicised and partisan.
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PUBLIC OPINION

Gaining public confidence is crucial for sustaining peace. Exclusion from the peace process deprives the public of participation in the post-conflict setting. Inclusion is essential to enable the general public to act as a watchdog, by monitoring and ensuring the maintenance of freedom of the media.

Varying public opinion on the CPA can be summarised as follows:

- The independence of the south is inevitable in the wake of the referendum because the government structure as envisaged in the CPA – ‘the Asymmetrical federation’ (Mahjoub Mohamed Salih, 2005: 30) – will enable such separation to work.

- Positive consequences of the CPA are the ‘cessation of the civil war, incorporation of a bill of rights in the INC and the provisions concerning the general elections’. (El-Haj W Sid Ahmed, 2005: 55)

  It could be argued then that the provisions of the CPA may lead to an environment conducive to democratic transformation. However, some question the extent to which ‘democratic transformation can happen in Sudan when distribution of power is limited to NCP and SPLM’. (Mahjoub Mohamed Salih, 2005: 33)

- The Sudanese masses were excluded from active participation in the CPA negotiations, thus the CPA is not comprehensive and lacks national support. Such exclusion, if not solved, will renew the north–south, north–north, and south–north conflicts. Because the CPA was negotiated and signed on a bilateral basis, there is a need to hold an all-inclusive conference so as to rectify this shortcoming.

- The CPA is an unfair deal favouring the north. In an interview a Sudanese lawyer stated that the average view is that ‘nothing has changed, especially in the composition of State institutions’, and an academic at the University of Khartoum observes that ‘the media and the structure of the State institutions reflect the views of the ruling party’. Institutional reform is essential to re-establish civic trust and restore the legitimacy of public institutions. For the CPA to be effectively implemented, the establishment and support, structurally and financially, of the CPA commissions should be prioritised.
There has been significant improvement with regard to freedom of speech, since intimidation by the security apparatus no longer occurs. But the public lack awareness of both their basic and constitutional rights and therefore need to be educated and empowered through seminars. Such a role should be undertaken by civil society and professional associations. The participation of civil society organisations at this stage is crucial and cooperation
between the different actors is necessary for the successful implementation of the CPA.

CONCLUSION

While some may argue that progress in effecting the CPA has been too slow, others will argue that the time frame is unrealistic. Perhaps, neither view is right. What matters is to remain vigilant of the process, while at the same time accepting the realities of armed conflict and its consequences – not forgetting the complex human dimension and intrinsic dynamics of state building.

Experience tells us that societies emerging from armed conflict will need considerable time not only to put new structures in place, but also to acquire the capacity to effectively make use of those structures. Above all, any war-torn society will need to undergo an attitudinal transformation. This is not unique to Sudan, nor confined to certain parts of the world.

Time is relative, and every step forward – albeit small and seemingly insignificant – must be seen as a sign of progress. Sudan is, indeed, on the path of progress. The CPA has ended one of Africa’s most protracted conflicts. This, in itself, is a significant step forward – not least for the many civilians who were caught in the crossfire. At the same time, the conflict in Darfur serves as a stark reminder that the progress made on the CPA is just the beginning. To paraphrase the previous Secretary General of the United Nations, Kofi Annan: there can be no peace that is not peace for all.
The guns are silent. And the people of the south are settling into a long prayed for peace. Yet the battle for the south is far from over. Sadly, these six years before the referendum may just be a ceasefire.

President Omar Hasan al-Bashir and John Garang de Mabior’s signing of the Comprehensive Peace Agreement (CPA) on 9 January 2005 closed a chapter of violent armed conflict between the Government of Sudan (GoS) and the Sudan People’s Liberation Movement/Army (SPLM/A). It drew two former enemies with very different visions of Sudan into a ruling partnership, thereby moving the dispute into the political sphere. Yet, in promising a secession referendum in 2011 and immediate de facto self-governance in the interim, the peace deal hands the SPLM leadership the ultimate conundrum: To strive for full independence as masters of their own destiny, or to join with greater Sudan to reap deserved national benefits? (Deng, 2006) Currently, neither option is viable for the people of the south. The capacity of a marginalised region severely damaged by four decades of war is limited, whilst the continued exploitation and domination by the National Congress Party (NCP) of all marginalised regions in Sudan makes joining with the centre unattractive.

Some commentators view the CPA as potentially the road map for the new, democratic and inclusive dispensation for all of Sudan – as portrayed in the
late Garang’s dreams. Others see an agreement – which plots the eventual secession of the south – between only two parties, signed to comply with international pressure. Ultimately the test of the document lies in the hands of those implementing the peace agreement. For peace to reach every corner of Sudan, the two signatories need to draw in the other regions and parties as co-designers of a post-conflict Sudan, and they need to engage with good faith. Neither condition is in place.

The CPA engages the leadership of the SPLM on many fronts, not least on the medium-term choice between secession from Sudan to form a new state or inclusion within a federalised Sudan. Either way – in order to be in a position to engage the north as a full partner within a federalised Sudan, or to be able to take a new country into independence with a comfortably transformed northern neighbour – it is essential that the SPLM develop a strong, acceptable Government of Southern Sudan (GoSS) and contribute with strength to the Government of National Unity (GoNU), as mandated by the CPA.

To achieve these tasks, the leadership has to maintain representation within the GoNU; initiate the GoSS; establish state and local governments in the south; develop a constitution for the south; develop social, educational and health services for the people; demobilise and reintegrate soldiers; establish the rule of law; prepare for elections and referendums; prepare for the resettlement and reintegration of several million internally displaced people; develop the economy; and facilitate the development of civil society. This is a tall order for any leadership, let alone one with a six-year deadline, limited human resources, poor infrastructure and delayed funding.

This is made all the more difficult as the land in the south may be very fertile but currently it can barely sustain the people who are living there, let alone provide for those who resettle after decades in refuge. The poverty, lack of development and non-existence of the most basic of services, even around the largest towns, is overwhelming. When the indicators of the north are excluded, surely southern Sudan must be one of the poorest nations on earth. Comments from the BBC’s website support this:

And communities in the south still lack food and water, despite pledges made by donors last year to provide $4.5bn. Rebecca Dale from the
International Rescue Committee said that some of those who have returned to their homes in Southern Sudan have since returned to the capital, Khartoum, because they found so little infrastructure. She said that 25% of children in the south die before they reach the age of five, there are very few schools and there is only one doctor for every 100,000 people. (BBC, January 2006)

What are the challenges facing the SPLM as they build the institutions, economy and society of southern Sudan?

**IMPOSSIBLE CHOICES**

*To strive for full independence as masters of their own destiny, or to join with greater Sudan to reap deserved national benefits?*

In 2006, this indeed is an impossible choice for the SPLM leadership. Deep cultural and political divisions, years of marginalisation and a history of slavery provoke a demand for independence, where at the very least the destiny of the people lies in their own hands. This drive for sovereignty is strengthened by the south’s perception that the NCP is not negotiating in good faith. Even though the CPA requires that the SPLM and NCP make unity with greater Sudan attractive, the NCP continues to alienate through their negotiation of new oil contracts, high-handed engagement in the GoNU, limited shared decision making within the presidency, actions within Darfur, poor transparency concerning oil revenues and undermining of the Abyei Border Commission, amongst many other betrayals. It is hard for the south to believe that the NCP will engage with the kind of generosity that political reconciliation requires.

This choice has been greatly complicated by Garang’s death just three weeks into taking office as the vice-president in Sudan’s new GoNU. Not only did Garang hold the vision of a united new Sudan, but people right across Sudan had hoped to vote for Garang as the new president in 2009. Thus, his leadership offered a viable engagement with the north as partners, rather than as supplicants.
The absence of infrastructure and experience, the awareness that the south deserves access to the wealth of the north, as well as solidarity with the peoples of the west, east, north and three disputed territories, makes separation costly. Clearly, the secession of the south will not solve the problems of the greater Sudan. It remains to be seen as to whether the SPLM can meet the current challenges in caring for a repatriating community, building regional and national government, and rebuilding a region to the degree that its community will show confidence and vote for it. Safety and security will ultimately be the deciding factor for a traumatised society.

Reflective of ethnic tensions in the south – both historically and currently – there are splits within the SPLM. Garang, a Dinka by ethnic background, held a vision of unity within a new Sudan. His second, Salva Kiir, is also Dinka by background but holds more secessionist views. In dealing with opposition, the NCP tends to draw on divide and rule tactics playing up ethnicity and internal division to strengthen its hand. This has been evident in the south, the east and most clearly in Darfur where ethnic tensions have been used to fuel conflict. On the other hand, Garang was inclusive to a fault – drawing in all parties to the SPLM, thereby possibly reducing external dissent and facilitating the development of a single party. Thus, members of the SPLM leadership have chequered histories. Riek Machar, Vice-President of the GoSS, led a Nuer-based split within the SPLA against Garang in the 1990s and ultimately signed a ceasefire with the NCP in exchange for political position within the GoS. This did not last, and after much loss of life and damage to the campaign, in 2000 he rejoined the SPLA. The secessionist versus unity strategies, ethnic tensions and connections with the NCP have all led to complexity within the SPLM leadership structures and this sometimes reduces the population’s trust in their leadership.

**SHARING POWER WITHIN THE GOVERNMENT OF NATIONAL UNITY**

The CPA has transformed the structure of the national Government of Sudan to include the SPLM as a minority partner in government. This new Government of National Unity also includes the opposition parties of the north and south. Yet power has not really been shared as the NCP has
maintained a strong majority, with over 50% of the seats, and uses tactics to hold onto power (and therefore wealth) at all costs. Commissions that were to be the backbone of the implementation of the CPA have either been sabotaged by the NCP, or have not survived the SPLM’s lack of capacity. The August 2006 UNMIS Monthly CPA monitor confirms that very few commissions are convening regularly. This has dramatically impacted on the SPLM’s ability to engage on important issues or to hold the NCP to account. For example, the GoSS continues to struggle for accurate information regarding oil production, contracts and revenues, which greatly affects its financial capacity. Similarly, although commissioners have been appointed, the major commissions in the south also need to be established.

The demand to participate in the GoNU as well as the GoSS divides the attention, leadership and human and financial resources of the SPLM. This has been particularly challenging as the movement attempts to transform itself from a military organisation into a political party. Between July 2005 and February 2006, the SPLM was struggling with hierarchy, structure and decision-making protocols, leaving itself weak and disorganised whilst needing to keep the NCP accountable during a crucial stage of transition. As the March 2006 Human Rights Watch report comments, there have been:

negative consequences of the SPLM’s lack of engagement or traction within a national government agenda evidently affected by NCP recalcitrance, notably the failure to enact security service reform, and to bring modified government positions to the negotiations with the rebels in Darfur. (Human Rights Watch, March 2006)

By mid-2006, reports indicate that the GoNU was functioning at a basic level, but real decision-making power was still being held by the NCP. Key southern informants within the GoNU spoke of ministers being sidelined – particularly in situations where the NCP was holding the position of minister and the SPLM was holding the role of vice-minister. Externally, it appears that the first vice-president differs considerably with the president around issues such as the UN Peacekeeper’s involvement in the Darfur region and the expulsion of UN special envoy Jan Pronk. Hence, there appears
John Garang de Mabior’s grave in Juba.
to be marginalisation occurring at the presidential level. Certainly, this
government is holding many tensions.
The SPLM’s engagement within the GoNU is critical. It not only offers
scope to promote unity and improved understanding between past enemies,
as well as space to maintain accountability on the support of the CPA at
national level, but it provides the central space for the SPLM and the NCP
to work together for the unified future of Sudan.

Yet the SPLM’s presence in the GoNU has added to the complexity of
the issues. On the one hand, the marginalised areas have representation
in national government through their presence and hence may hope for
policy change. On the other hand, the reality is that with limited real
power perhaps the greatest split between the marginalised sectors has already
been achieved.

BUILDING A CREDIBLE GOVERNMENT OF SOUTHERN SUDAN

The Government of Southern Sudan was established on 22 October 2005
and sworn in on 24 October 2005. Whilst a successful administration had
been in place between 1972 and 1983, after 21 years of war there was little
to rescue. Constitutions, policies, human resources, budgets, buildings
and infrastructure have all had to be developed – whilst also attempting
to meet the needs of the people and managing the support of the
international community.

As in the GoNU, the seats of the legislature of the GoSS have been allocated
by the CPA. Here the NCP has 15% of the seats, the SPLM has 70% and the
Southern Political Forces have 15%. Representation in the executive branch
of government uses the same ratios.

Developing a representative government in the south has been difficult
because of the levels of distrust and enmity between the different ethnic
groups, as well as the perception that power is a ticket to ensuring the
prosperity of one’s clan. The Interim Constitution of Southern Sudan
advocates for the fair representation of ethnic groups, religious groups and
women within the government. It mandates that 25% of the seats must be
given to women, that the judiciary must be independent and that a public
grievance chamber be initiated. Yet, initially, this has been difficult to realise. The cabinet was reshuffled in early September to decrease the Dinka presence in the ministries to 66%, but there continues to be discontent about the Dinka majority. Only two of what should be 22 seats were given to women. Added to the existing challenges, the GoSS has had to take over a very large administrative staff of 149,000 people from the previous garrison town administration and integrate these people into the SPLM’s existing 55,000 people who were administering the previously rebel-controlled areas. Retrenching any of these staff would have significant repercussions as work within government is highly prized – particularly in an extremely weak economy. (Human Rights Watch, 2006)

The selection of ministers was guided by ensuring that each of the ten states was represented at ministerial level, yet the composition of the government has been criticised for not representing the smaller ethnic groups, gender equality or Muslims. These elections were made at large meetings within each area through a show of hands. This is an admirable commitment to democracy within a context of having no census or voters’ roll. The division of roles within the legislature meant that the NCP was offered a choice of which state it wished to represent in the ministry. It chose the Upper Nile, which also has the highest potential for oil production and contains strong militias aligned to the NCP.

The government structures and the relationships between them have been created with clear layers including the GoSS, state level, local level, payams, burmas and traditional authorities. These jurisdictions have clarified mandates and improved communication, accountability and representation. However, it will take time for systematic use of the different levels to develop.

By late 2006, Juba was a hive of building activity with almost every concrete structure in the town being renovated into office space for ministries or organs of government. People had been appointed into positions and international organisations such as the United Nations Development Programme (UNDP) had assisted with policy and structural development. But government infrastructure appeared to be weak with limited communications technology, low management skills, and stretched human resources and human capacity. A difficulty for the SPLM has been the need to place representatives in both the GoNU and GoSS, and this has depleted the strength of the south. In the
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face of these challenges, it is indeed an accomplishment that government and ministries have been housed and there are people in the offices. The next steps of developing a viable bureaucracy and engaging with service delivery will be more testing.

Although there have been initial delays, finances are becoming available through the receipt of oil revenues and promises of some US$4.5 billion by international donors. There remains controversy about whether the oil revenue reflects what is due to the south in terms of the CPA. The south has received about one third of the revenue initially projected, in part because there remains contention about whether Heglig – one of the largest oilfields – falls within the south or north. As a major oil producer, the south may struggle to access donor funding. Yet within the first 18 months, the GoSS has not managed to spend the money available to it because of a lack of human capacity. Difficulties with transparent and adequate accounting are also being addressed.

The priority of the GoSS lies in building its capacity to govern and to develop the region. While acknowledging the need for peace building, post-conflict nation building and reconciliation, the GoSS is preoccupied with the reality of establishing an efficient administration. In the last half of 2006, the GoSS engaged in a 200-day action plan to focus the interventions on performance, transparency and accountability within government. Sector priority areas include: ‘rehabilitating infrastructure, providing basic social services, peace and security, rebuilding the economy and institutional strengthening and governance’. (Sudan Mirror, 2006)

The Involvement of Political Parties

The CPA mandated that opposition political parties of the south would be given 6% of the seats in the GoNU and 15% of the seats in the GoSS. At present, of the political parties of the south, the SPLM has the largest known membership. However, the composition of the Southern Sudan legislative assembly includes the National Congress Party, the Southern Sudan Defence Force, the United Democratic Front, the Union of Sudan African Parties I, the Union of Sudan African Parties II and the United Democratic Sudan Forum. The Juba Declaration of 8 January 2006 has
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drawn armed groups such as the Southern Sudan Defence Force into the SPLA. Through this type of amnesty and consolidation, active political opposition is being reduced. By including the NCP at so many levels within government, this party in fact has a greater representation in the south than mandated by the CPA.

Rule of Law

Despite demands by opposition parties for accountability for the human rights violations that occurred during the war, both the NCP and the SPLM are avoiding responsibility. Yet, the new government in the south is being driven by the Interim Constitution and a visible commitment to democracy and participation. Despite a history of poor accountability structures during the war, traditional law, a poverty of professional human resources and a paucity of jurisprudence, there remains great commitment to build the institutions that support the rule of law.

The 2005 Interim Constitution of Southern Sudan requires inclusive and participatory government that insists on the right of every citizen, including women, to take part at every level. It provides for the independence of the judiciary, and includes a bill of rights and measures to reduce corruption. A Council of Traditional Authority has been set up, which acknowledges the application of customary law, especially over land issues. The inclusion of traditional leadership is very important, above all in a context where this has been eroded through war. Yet it is the customary law or traditional law that poses enormous challenges, particularly around women’s rights. The traditional judges have the power to send people to jail – and currently women are most frequently jailed around divorce, refusal to marry the man the family has chosen and refusal to obey the husband. Similarly, land and cattle disputes are solved using traditional laws, which do not always relate to the international, national or constitutional obligations of the government. An organisation reports on an 18-year-old woman who had been placed in the Bor jail by her father for refusing to marry his choice of husband. The jailers were reported as saying that they had no choice but to keep her under the traditional system – and she apparently said that she preferred to be jailed than marry. She can only be released with her father’s permission and
he has now disappeared. (UNDP, 2006)

Within the south there has been great emphasis placed on rebuilding a judiciary, establishing a court system, recruiting and training police, and developing a stronger sense of a working legal system. Various players have been active in improving staff capability through training, exchange visits and capacity-building programmes. There have been efforts to integrate these structures with traditional leadership structures and to build them up from grassroots level. Clearly it will take time to transform systems and practices.

Establishing Security

After two wars with many factions and continued proxy wars, the region is awash with weapons of all types. Within this context the line between combatant and civilian is blurred and ongoing ethnic, pastoral and water-related tensions are leading to armed violence. The populations are heavily armed, but also extremely vulnerable in the light of continued ethnic conflict, the active presence of the Lord’s Resistance Army (LRA) in the south and the presence of other militias. Disarmament of the civilians will remain a difficulty, particularly as the southerners fear that secession will be blocked and there will be a future need to defend southern sovereignty. This may happen after the referendum on secession in 2011.

Disarmament is further fraught with the difficulty of ethnic groups becoming vulnerable when they are facing threats from each other at grassroots level. Demobilisation of the combatants remains a challenge. The CPA provides for gradual integration and redeployment – and then gradual demobilisation and reintegration of the Sudan Armed Forces (SAF) and SPLM/A, culminating in the development of combined units by October 2006. This has not been achieved and demobilisation of soldiers has been slow. Whilst the GoSS has promised its soldiers payment, there are delays in providing this.

The proxy wars, splits and factions have left at least 18 militias remaining in the south. The GoSS has paid attention to drawing these groups into the peace process. The Southern Sudan Defence Force signed the Juba Declaration with the SPLM in January 2006, thereby making it possible
Civilians carrying their belongings on their heads return to Tam having earlier fled from the fighting.
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Civilians carrying their belongings on their heads return to Tam having earlier fled from the fighting.
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for this leadership to join the GoSS. Similarly, the GoSS vice-president, Riek Machar, is hosting peace talks between the LRA and the government of Uganda as both parties have been accused of violating the security of southern Sudanese people. Security in northern Uganda will improve the prospects of peace in the south of Sudan.

With all these tensions and the availability of weapons, security remains a concern in the south.

Economic Development

The economy of the south has been severely disrupted by the conflict, by marginalisation and now by the presence of aid and UN organisations that inflate prices exponentially. The economic activity is largely subsistence orientated or, in the informal sector, dominated by outsiders from Uganda or Kenya conducting trade with small shops, taxis and other services. Because of the high prices, availability and logistical challenges, little of the money coming in via aid organisations is actually circulating within this economy. For future stability, more sustainable economic development and investment will be essential.

ENGAGING CIVIL SOCIETY

Eighteen months after the peace agreement, many Sudanese NGOs continue to be based either in Nairobi or Kampala because of the expense and difficulties related to operations in southern Sudan. The attractive leadership positions and salaries in both government and international NGOs have drained human-resource capacity from the local NGOs, meaning that civil society is not currently a strong contributor to policy creation or able to hold the government accountable.

Media

The Juba Post is an impressive Sudanese-owned independent weekly paper that is not affiliated to any political party and prides itself on covering broad
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justice or human rights concerns and difficult social issues such as HIV. It is also available on the Internet. There are four newspapers produced by southern Sudanese, two of which are printed in Kampala. However, only a small portion of the publications discussing southern Sudan reach the people of the area. Those living in rural villages outside Juba do not have access to journalism that can explain the developments or conflicts in their area. Radio stations are beginning to cover the area, although the United Nations Mission in Sudan (UNMIS) radio has not been granted permission to broadcast into northern Sudan.

Church Leadership Dynamics

Peace has also brought challenges for the churches. During the conflict, a second council of churches developed in order to support and link the churches in the south that the Sudan Council of Churches was unable to reach. This New Sudan Council of Churches (NSCC) was based in Nairobi and worked in the south, but outside of the garrison towns such as Juba where the Sudan Council of Churches was more dynamic. Both councils have been very active in peace building, reconciliation work and advocacy for the needs of the people. The NSCC was particularly lauded for its People to People Peace Processes that worked to end active conflict and reconcile ethnic groups who were fighting around issues of land, pasture and water using negotiations based on traditional rituals. With the achievement of peace, internal crises and some external pressure, the councils have decided to unite to form the Council of Churches of Sudan. The need to focus on internal dynamics and issues, as well as the complexity of representing both the north and south, had reduced the scope of the church to lead peace initiatives and reconciliation within the south or to hold the new government accountable through advocacy.

INTERNATIONAL SUPPORT

Whilst the population may see a bevy of international non-governmental organisations and United Nations (UN) vehicles in Juba and Rumbek, the
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distances in southern Sudan mean that even international humanitarian organisations and UN resources are thinly spread. The people of these towns have high expectations for service delivery – particularly as their economies have been affected by the overwhelming buying power and presence of such agencies.

On 24 March 2005, the UN Security Council decided to establish the United Nations Mission in Sudan (UNMIS) to support the implementation of the CPA, to offer humanitarian assistance and to protect and promote human rights (Resolution 1590). In August 2006, this was extended to include deployment in Darfur to support the implementation of the Darfur Peace Agreement (Resolution 1706). Respecting the president’s refusal to allow a UN presence in Darfur, this second mandate has not been fully deployed. The UNMIS mandate has been officially extended to 30 April 2007, with the expectation that it will again be extended beyond this date. As of 30 September 2006, the mission included 10,284 uniformed personnel (including 8,914 troops, 705 military observers and 665 police) supported by 733 international civilian personnel, 1,555 local civilians and 159 United Nations volunteers. (UNMIS, CPA Monitor, 2006)

In monitoring and supporting the implementation of the CPA, UNMIS has focused on the following four broad areas of engagement:

- **Good offices and political support for the peace process** – including political advice, reporting, analysis, assessment and secretariat support;
- **Security** – including monitoring ceasefire agreements, protection of UN resources and personnel, protecting civilians and disarmament, demobilisation and reintegration;
- **Governance** – concerning the UN police, the rule of law, human rights, civil affairs, electoral assistance and gender components; and
- **Humanitarian and development assistance** – including disarmament, demobilisation and reintegration (DDR), humanitarian coordination, protection, recovery, return and reintegration, and mine action. (UNMIS, CPA Monitor, 2006)

International support for the redevelopment of Sudan has been significant. The Joint Assessment Mission (JAM) has developed a Framework for Sustained
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Peace, Development and Poverty Eradication based on an assessment of the current context. The framework identifies the key requirements to sustain peace, to enable human development and to drive economic development. It maps a plan that ensures the security of the population, facilitates the return and reintegration of displaced people, rebuilds community infrastructure and supports development. It also guides the creation of government infrastructure and reform that allows for decentralisation. (Joint Assessment Mission for Sudan, 2006)

A growing number of countries, including the United Kingdom, Norway, Kenya and Uganda, are establishing embassies in Juba.

Nation Building and Creating Unity

For the average person in the south, the CPA is the guarantee of independence and national sovereignty. This hope remains cautious as many do not trust that the NCP will allow secession. It appears that people are prepared to return to war should they believe that secession has been denied by the north. As arms are easily accessible, this is a real concern. There is an atmosphere that the CPA has facilitated a six-year ceasefire rather than a route to real peace.

When moving the gaze south, the literally burning issue is the ethnic tension between particularly the Nuer and Dinka, and within Dinka groups. The significant undercurrent in terms of both political tensions and distrust is a source of active armed conflict right across the southern region related to territory, clan, pasture and water disputes. There are serious active conflicts between many groups across southern Sudan, although several of these have recently been resolved through reconciliation. Resolving conflicts between ethnic groups through people-to-people dialogue has been a focus of many NGOs and international NGOs and church-based organisations like Pact, NSCC, the Catholic Church, Mercy Corps and RECONCILE.

Several sources independently identified the people of southern Sudan as traumatised. People suffering from psychosis can be observed amongst the population and heavy drinking, particularly amongst older men and women, is apparent. Superficially, this is indicative of mental health difficulties. Hatred and distrust exist amongst the communities. Confidence-building
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exercises with the participation of politicians, members of parliament, the grassroots, women’s groups, churches, mosques, chiefs and traditional leaders should therefore be a priority.

For long periods of time during the war, many of the major regional towns under siege were occupied and run by the Sudanese army. These towns were frequently attacked by the SPLA, and obtaining food was very difficult. Many people died of starvation. Owing to the nature of the conflict, some of the people in the garrison towns would have been more aligned to the government in Khartoum. Yet they also suffered much abuse, torture and oppression from the soldiers who were occupying the towns – and again if they came into contact with SPLA soldiers either whilst entering the countryside or through SPLA victory. With the CPA, these garrison towns clearly became part of the south and people have had to consider their allegiances. Juba is a prime example where there continues to be tension between Muslims and Christians in the town.

Additional challenges are raised by people returning to the south after years in refuge. Some two million southerners live in Khartoum, and a further two million people have sought refuge in surrounding regional states and abroad. With peace, some people have sought to return to the south but found that the resources and infrastructure are inadequate to offer a livelihood. Life in Khartoum – even as a displaced person – offers access to educational, social and health opportunities that are not available in the south. Hence, reintegration will be difficult for those returning as well as for those who have remained, as their experiences over the past 20 years will be so different. Secession could lead to the separation of families across borders. International attention is on southern Sudan and the people’s expectations of the GoSS are high. These will be very difficult to fulfil.

CONCLUSION

The passion and solid determination of the southern Sudanese is striking. Their achievements in the past 18 months have been significant – particularly when considered in light of the loss of their leader, John Garang. The range and complexity of tasks facing the leadership of the SPLM are daunting,
yet significant progress has been made. Ultimately, it is the confidence and strength of national identity together with creative thinking that will take them through into a peaceful future. The greatest threat in the south remains the splits and ethnic divisions that are manifest in continuing low-level armed conflict.
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Whether the southern Sudanese choose to be masters of their own destiny as a sovereign state or to remain in union with the greater Sudan will be determined by many conditions. These may include whether there is scope to involve the other marginalised regions in redesigning a new democratic state; whether the NCP and SPLM are able to engage in a relationship of common vision and good faith; and whether the SPLM is able to meet its obligations to its people. The challenges to achieving this vision in the face of the resistance and the clinging to power and wealth of the NCP may paralyse both the SPLM and the international community for several years to come.
The crisis in Sudan or, more accurately, the various crises in Sudan have been brewing over several decades in the post-colonial era. While it has become fashionable among academics, civil society groups and even Hollywood celebrities to join the ‘Save Darfur’ campaigns currently making headlines across the globe, there is a tendency to oversimplify both the Darfur conflict, and the unrest in other parts of this vast country. Civil unrest is rarely as orderly or one-dimensional as news reports make it out to be.

Media reports and even political analyses have tended to paint a simplistic picture of the Darfur conflict as an ethnic cleansing of Africans by Arabs, while the southern Sudanese conflict has been characterised as one between Islamist Muslims in the north and Christian animists in the south of the country. Such readings are both somewhat true and somewhat false. By and large, they ignore the complex roots of the strife and often fail to consider the myriad regional and international ramifications associated with the conflicts. For example, the actions of Libya, Chad and the United States during the 20th century have all contributed to fomenting the mayhem in present-day Darfur.
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An extreme case of misinformation on Darfur was cited by the Canadian Institute of Security Studies where a news article ‘by the ex-editor of a Toronto daily was based entirely on the author’s bizarre belief that Darfur was in southern Sudan, hopelessly confusing the conflict in Darfur with the two decade-old civil war in the south’. Subsequently, ‘several Canadian radio stations interviewed the author for his “expertise” in the region’. (McGregor, 2006)

When pursuing evidence to support a particular theory or frame of reference, writers may disproportionately emphasise or downplay factors of ethnicity, religion, regionalism and language. It is all too easy to cherry-pick the ‘facts’ that suit a pet hypothesis and to ignore the geopolitical context, which is often connected to the global politics of resources.

Oversimplistic framing of events may also be carried into peace negotiations and could certainly be a contributing reason for the lack of successful implementation of peace agreements. Less than five months after being signed, the Darfur Peace Agreement (DPA) has been described by United Nations (UN) special representative Jan Pronk as being ‘nearly dead’ and requiring ‘intensive care’. Even the detailed Comprehensive Peace Agreement (CPA), which ended the long-running war in the south when it was signed in January 2005, is proving problematic to implement.

While the war in Darfur is indeed horrific and merits intensive humanitarian and political intervention by the international community, it behoves the objective analyst to question why Darfur has been selected as the fashionable ‘issue of the day’, when similar crises exist in parts of Uganda, Congo and Chad, to name but a few. Within Sudan itself, some aid workers and diplomats assert that the humanitarian crisis in eastern Sudan, populated mainly by the Beja tribe, is worse than that in Darfur.

What then drives the political compass that spotlights the Darfur crisis as most deserving of global attention at a given point in history? Who mobilises Joe Public to undertake mass action regarding one crisis while remaining blissfully unaware of the others?

This is not in any shape or form an attempt to negate the atrocious violence in Darfur or to imply that it is undeserving of global attention. It is, instead, an attempt to delve beyond the media reports and to unpack the myriad dimensions of the Darfur conflict as well as the strife in other parts of Sudan.
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With regard to the Sudan crisis, an objective analysis must also consider the role of relevant multilateral institutions such as the UN, the African Union (AU), the Arab League and the European Union (EU). The rationale behind the manoeuvres of specific groups and of particular states within those groups must necessarily be considered.

UN Resolution 1706, passed in August 2006, for example, has called for 20,000 UN peacekeeping troops to replace the approximately 7,000-strong AU Mission in Sudan (AMIS). This resolution is proving impossible to implement in light of the Sudanese government’s refusal to allow non-African troops into its territory.

Most analysts date the beginning of the Darfur conflict back to rebel uprisings between February 2003 and April 2003. The April 25th incident, in which anti-Khartoum insurgents attacked an air force garrison in Darfur’s provincial capital El Fasher, sparked a particularly violent backlash from government-backed forces. While this event did cause a surge in both the frequency and intensity of fighting, the strife in Darfur has its roots much further back in history.

THE TANGLED ROOTS OF THE CONFLICT

The name Darfur is an aggregation of the words ‘Dar’ meaning dominion or kingdom and ‘Fur’ referring to one of the tribes that hail from this region, traditionally from the mountainous crater of Jebel Marra in central Darfur. Literally translated, Darfur is thus the homeland of the Fur, but this definition does scant justice to the ethnic, cultural and linguistic diversity of the peoples currently living in this westernmost and hitherto marginalised region of Sudan. Darfur’s estimated eight million inhabitants belong to between 40 and 150 tribes, depending on the criteria used to differentiate them. They include Fur, Zeghawa, Tunjur, Berti and Marsalit, as well as Arab groups such as the Rizeigat, Salamat and Beni Halba. Tribal population estimates vary from a few thousand to up to a million, in the case of the Fur and Zeghawa.

Although the Fur people are regarded as indigenous to the area, they themselves are the result of a series of migratory waves and assimilation dating
as far back as the 14th century. According to Prunier, in the feudal system of
the pre-colonial era, weaker tribes often ‘became Fur’ as a result of conquest
and linguistic and religious acculturalisation without any significant ethnic
change. ‘By 1800, the Fur sultanate was the most powerful state within the
borders of modern-day Sudan … Dar Fur was an African kingdom that
embraced Arabs as valued equals.’ (Flint & de Waal, 2005)

Up until the 19th century, the term ‘Arab’ in Darfur was loosely applied
to members of cattle- or camel-herding pastoralist communities who were
mostly nomads. While many of these originally hailed from the east or
northeast and were Arabic, the term was also applied to nomadic groups
whose ancestry can be linked to present-day Nigerian tribes such as Hausa
and Fulbe. Centuries of intermarriage and aggregation followed, with the
result that ‘Arab’ and ‘African’ are primarily notional terms that have been
politically manipulated in recent years. Even in the 20th century, it was not
uncommon for a Fur villager who bought cattle and moved to new pastures
to ‘become Baggara’ and to adopt the moniker applied to cattle-herding
Arabs. The Fellata nomads of southern Darfur are genetically a mix of early
Arab migrants from the northeast and African migrants from the west,
but are characterised as a sub-group of the Baggara Arabs in 21st century
terminology.

The influx of riverine Arab traders (Bahhara) to Darfur in the 19th
century marked the beginning of a class distinction wherein these Bahhara
regarded themselves as superior and ‘more Sudanese’ than both the agrarian
Darfuris and the existing nomadic Arabs of the region.

Neglect and Marginalisation of Darfur

During the colonial era, Darfur, despite its huge size (roughly the same land
mass as France), was regarded as a distant and peripheral outpost with no
strategic economic value. Consequently, it was largely ignored by the British.
There was a devolved tribal administration system that made few attempts
at education or development. The British tacitly encouraged the rise of
neo-Mahdism in Darfur during the 1940s, since the Mahdists opposed the
union of Egypt and Sudan, which the British were keen to prevent given
their disputes with Egypt over the Suez Canal.
At independence in 1956, Darfur played a key role in bringing victory to the Mahdist Umma Party, but continued to be neglected by Khartoum as a distant ‘Cinderella-style stepsister’. This theme of political manipulation and neglect characterised Darfur’s relations with the national capital during subsequent regimes, whether military or civilian. Darfuri resentment at this arbitrary treatment was a key factor underlying the rise of the Darfur Development Front (DDF) as a regionalist non-ethnic organisation in 1963 and also contributed to insurgencies during the 20th and 21st centuries.

Domestic Politics: Racialising the Darfuri Consciousness

Until 1968, the basis of the political and economic neglect in Darfur was regional, not ethnic. All Darfuris, both Africans and Arabs, were despised as inferior by the riverine Arabs who comprised the power elite in Khartoum.

The ethnicisation of Darfur politics really began when the Umma Party split prior to the 1968 election. The faction led by Sadiq al-Mahdi brokered an alliance with the DDF, whose leader Ibrahim Diraige was an ethnic Fur. Election campaign tactics led African Darfuris – the DDF’s key constituency – to blame the Arabs for Darfur’s underdevelopment.

By contrast, the other Umma faction courted the Darfuri Arab vote. The politically expedient wooing of the Darfuri Arabs was baited with the promise of co-option into the ruling elite. The lure of economic gains was manna to some Darfuri Arabs, a group that was becoming progressively poorer with drought cycles and desertification decimating their traditional pasture lands and exacerbating land disputes with their more settled African neighbours. The camel herding ‘Abbala’ Rizeigat Arabs, in particular, were especially bitter that traditional migratory routes were being cut off, thus deepening their poverty levels.

It was around this time that the designation ‘Zurug’ (from the Arabic ‘zurqa’, denoting darkness or dark blue), gained currency as a derogatory term for Africans.

The famine of the mid-to-late 1980s left a legacy of bitterness among the Darfuri Arabs. This made them ripe pickings for the ‘Arab Gathering’ – an Arab supremacist ideology supported by Gaddafi. It openly emerged in Darfur in 1987, when a letter was sent to Prime Minister Sadiq al-Mahdi
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citing the ‘neglect’ of ‘Arabs’ in Darfur. The seeds of the Janjaweed, the notorious mounted militiamen who would unleash unprecedented violence on local villages, had been planted.

Even today, the conflict in Darfur continues to be underscored by domestic polity. A long-running conflict between the National Islamic Front (NIF) government and its former ally and spiritual guide, Hassan al-Turabi, may explain the intense violence of the government’s counter-insurgency. The government fears Turabi, a Muslim cleric and Islamist who wields tremendous influence amongst the devout and poor inhabitants of Sudan’s marginalised areas, including Darfur. He is credited among ordinary citizens with efforts to ensure national recognition for pious but disadvantaged communities such as the Fellata of Darfur. Turabi allegedly supports one of the major rebel groups in the area, the Justice and Equality Movement (JEM), which numbers some of Turabi’s former students amongst its top leadership. Sudanese human rights lawyer, Ghazi Suleiman claims that the government ‘saw Turabi’s hand, and they want to stay in control of Sudan at any cost’. (Wax, 2006: 83)

The Foreign Role Players

De Waal deems it ‘a geographical misfortune’ that Darfur borders Chad and Libya. (De Waal, 2004) Darfur and Chad share a long and porous border, traditionally the homeland of the Zeghawa clan who are numerous in Darfur. Chadian president Idriss Déby is himself an ethnic Zeghawa, a minority tribe in Chad. The tribes living on either side of the Darfur–Chad border are closely related by ethnicity, culture and intermarriage. This makes each region both a natural refuge for its neighbour in times of strife and also a perfect staging ground for insurrection against the neighbour’s rulers.

From the Frolinat guerrilla movement in the 1960s to the 1990 overthrow of the Habre regime by Déby, Darfur has been the launching pad for insurgency, civil war and regime change in Chad. As recently as April 2006, when Chadian rebels attempted to take the capital, N’Djamena prior to the May 2006 presidential election, Chad alleged that captured rebels had Sudanese identification and that Sudan had supported the attack – an accusation that Khartoum denies. Eyewitness testimony documented by
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Human Rights Watch suggests military and intelligence links between Chad rebels, Janjaweed and Sudan army forces in Darfur and eastern Chad. A new Chadian government would be indebted to Khartoum for bringing it to power, in much the same way that Déby was beholden when the NIF helped him to topple Habré.

Libya’s Muammar Gaddafi, with his grandiose vision of a pan-Arab Union, frequently used Darfur to support Islamist Chadian uprisings, thus exacerbating ethnic tensions in the region as well as engendering resentment amongst Darfuris for both Libyans and Chadians. Conversely, anti-Libyan regimes in Sudan have used Darfur to subvert Gaddafi’s aims.

For example, in 1976 Libya attempted to attack Khartoum. Although Gaddafi’s attack failed, Sudan’s President Numeiri later supported Hissan Habre’s bid for power in Chad primarily because Habre was anti-Gaddafi. Darfur was the rear base for Habre’s troops whom the locals resented as Arab foreigners.

Sudan’s assistance to the anti-Gaddafi Habre was supported by both France and the United States. The US Central Intelligence Agency (CIA) actually operated a base in Darfur’s provincial capital, El Fasher. During the cold war, the US viewed Numeiri’s Sudan as an important political ally in a hostile region that contained Gaddafi’s dictatorship on one front, Ethiopia’s communists on another, and French aspirations to control its former colony of Chad on yet another.

After Numeiri was ousted by a military junta in 1985, Sadiq al-Mahdi’s Umma Party virtually ‘sold’ Darfur to Libya as a base for attacking the US-supported Habre regime in Chad in exchange for financial and military support during the 1986 elections and during the subsequent civil war with southern Sudan. This practice of bartering Darfur as a military base in exchange for Libyan aid continued even after the NIF seized power in 1989, and Chad’s President Déby used Darfur as a springboard for his successful coup in December 1990. Throughout this period, the Libyans showed a decided preference for the Darfuri Arabs, providing them with arms and contributing to a further ethnicisation in the region. The growing prevalence of automatic weapons in Darfur contributed to a concomitant anarchy within the society.

The Darfuri famine in the early to mid-1980s heightened resentment
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between Arabs and Africans. The nomadic tribes in the north left their traditional pastures that had become desertified and impinged on the marginally more arable lands of their agrarian neighbours to the south who began to burn or fence off areas in protection of their turf. Wandering in search of food, thousands of people were displaced both internally and across the Chadian border.

The famine itself had geopolitical ramifications. Initially, the Numeiri government refused to admit there was a famine, strengthening the belief among Darfuris that their lives were of no account to the Arab elite in Khartoum. When the regime finally admitted the need for food aid, Washington came to the rescue, but for many it was too late. US bungling of transportation arrangements meant that people continued to starve even when there was ample food in the country. Numeiri was overthrown in the subsequent fallout and the NIF under President Omar al-Bashir had no option but to accept food aid from America, despite their anti-US sentiments.

Libya also provided humanitarian aid to Darfur in the mid-1980s, often more efficiently than the Americans. Libya used this pretext to move troops into Darfur and to arm the local Arab tribes. News reports suggest that Darfur had virtually become a de facto province of Libya, with Libyan currency in use and Libyan guns everywhere. In 1990, Chad’s then President Habre told the French newspaper Le Figaro that Khartoum was ‘incapable of controlling Darfur … and unwilling to curb Tripoli’s activities there since Libya supplies the regime with oil, weapons and money’.

Organised Insurgency and Links with the SPLA

Darfuri Arab militias, armed by Libya and backed by government forces, had begun to terrorise and decimate African villages in order to seize land, or simply to illustrate their ‘superiority’. The Janjaweed, literally meaning ‘evil spirits on horseback’, had arrived.

In retaliation, a Fur militia was emerging, largely through the efforts of DDF activists who were raising funds through expatriate Darfuri networks and initiating contact with the Sudan People's Liberation Army (SPLA) in the south. This ‘Darfur Liberation Front’, the forerunner of the Sudan Liberation Army (SLA), was armed by Habre after initial wariness. At the
A militiaman operating in the Darfur region.
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time, Habre was countering Libyan-backed attempts by Idriss Déby to overthrow him from bases in Darfur.

By the late 1990s, what had begun as self-defence units to protect farms and families had evolved into the organised SLA, which efficiently mobilised resources and support from the local populations. In 2001, the Zaghawa, whose villages had also been ransacked by the ‘Arabs’, joined with the Fur against their old Arab allies, thus strengthening the SLA throughout Darfur. At around the same time, the Islamist-linked Justice and Equality Movement (JEM), a rebel group with broad tribal representation, also arose in Darfur.

Between 2001 and 2004 SLA insurgency escalated, with joint SLA-JEM attacks on several government garrisons. Unused to guerrilla desert warfare, the government unleashed its air force to bombard the rebels from above. The watershed was the joint SLA-JEM attack on the state air base in Darfur’s provincial capital El Fasher on 25 April 2003. The rebels destroyed bombers and helicopter gunships and captured troops, arms and vehicles. The enraged Khartoum powers used the air force and the Janjaweed (by then organised into trained paramilitary units) in a classic and intense counter-insurgency strategy. The bombing, burning and looting of villages – still ongoing at the time of writing – cut the rebels off from their civilian supporters in a tactic reminiscent of the British ‘scorched earth’ policy during the Anglo-Boer war in South Africa.

Other Actors: Eritrea and the Central African Republic

Like Chad on Sudan’s western front, Eritrea to the northeast and the Central African Republic (CAR) to the southwest also share significant and relatively open borders with Sudan. The Darfur–Chad tensions have recently spread to northern CAR. This remote and lawless region of the CAR is providing a haven for rebels determined to overthrow Chad’s President Idriss Déby. In addition, displaced persons from Darfur sometimes flee to the CAR. Conversely, residents of the CAR, who are extremely poor and exposed to violence from armed groups roaming the north of the country, cross into Darfur or Chad in search of assistance, exacerbating the humanitarian situation in both regions.

Khartoum has also been implicated in using the CAR as a recruiting area.
and staging post for incursions into both Darfur and Chad. A recent report in the New York Times alleges that ‘Sudan has in effect invaded the Central African Republic with a proxy force of Chadians’ who are recruiting local people to fight. (Kristof, 2006) Chadian rebels near the border with CAR have old scores to settle with CAR President Bozize who expelled them after they helped him seize power in 2003.

Khartoum’s relationship with Eritrea has been tense for decades, with each government frequently accusing the other of supporting rebel movements aimed at destabilising its neighbour. As with Darfur, the eastern parts of Sudan have traditionally been marginalised, with the result that the eastern tribes, particularly the Beja people, have fought a low-intensity insurgency in the region for many years. The border between the two countries was closed in 2002 when Khartoum accused Asmara of supporting a rebel offensive near Kassala in eastern Sudan. But in June 2006, diplomatic ties were resumed and Khartoum accepted Asmara’s offer to mediate with the eastern rebels, culminating in a peace accord in October 2006.

Sudan’s Vice-President Salva Kiir, an SPLM member from the south of the country, has further welcomed an offer by Eritrea to mediate between the Khartoum government and those Darfur rebel groups that refused to sign the DPA. However, despite the ongoing peace process with the eastern rebels, in September 2006 President al-Bashir accused Eritrea of hosting rebel groups hostile to the DPA, particularly a grouping of SLA factions and JEM, which calls itself the National Redemption Front. The eastern conflict and the Darfur one are linked by similar histories of neglect and contempt from Khartoum, and the SLA is part of both the Darfuri and eastern front rebel movements. Given the poor implementation of peace accords in Sudan, it remains to be seen whether the eastern treaty will be fulfilled.

DEFINING THE CONFLICT: INTERNATIONAL PONTIFICATING AND THE MEDIA

For over two years, the Western media and diplomatic corps have been preoccupied with the question of whether the Darfur situation constitutes genocide, an ethnic cleansing, a humanitarian disaster or a situation in which
war crimes are being wilfully committed. The label, of course, is largely irrelevant to the victims of this war who continue to be subjected to death, displacement and general mayhem on a daily basis.

The Geneva Conventions describe genocide as ‘acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group’ and ‘deliberately inflicting on a (predetermined) group conditions of life calculated to bring about its physical destruction, in whole or in part’. Both the United Nations and individual governments have shied away from officially using the big ‘G’-word, since once a situation has been identified as a genocide, the Geneva Conventions oblige the world to act. When UN Secretary General Kofi Annan said in 2004 that based on information he had received at the time he could not designate Darfur as a situation of genocide, his comment earned him much criticism. But access to accurate information about Darfur is problematic, both because of government-created delays in granting travel permits and because of the ongoing violence.

Humanitarian workers are perhaps best placed to evaluate the atrocities, but even their situation is precarious. Aid workers who have witnessed government atrocities and alleged government complicity with the Janjaweed are unwilling to speak out officially for fear that they and their organisations will be banned from the country. In recent months, as atrocities committed by rebels have also increased, it has been difficult for aid workers to ascertain whether pro-government or rebel groups are responsible for the incidents. Kristel Eerdekens of Medicins sans Frontières (MSF) told reporters that ‘all parties have done their share of creating insecurity’ and that it is unfair to blame only the government. (Steele, 2006) The media that have oversimplified the conflict do not generally welcome such frankness.

The following review of various national and multilateral stances on Darfur is not intended to negate the generous humanitarian assistance provided by the international community, especially since the World Health Organisation says that about half of Darfur’s population requires aid. Rather, it examines the other types of intervention that are necessary and asks whether humanitarian aid has been used as a conscience salve to justify a degree of political inaction.
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The Position of the Major International Role Players

In September 2004, then US Secretary of State Colin Powell was not shy in naming the conflict ‘a genocide’ after a US State Department report was released and he had personally toured the region. (Kessler & Lynch, 2004) At the time, the African Union, the Arab League and China all insisted there was no genocide occurring in Darfur. The US said it was doing ‘all it could’ and sent large amounts of aid but took little other action. The Bush Administration’s dithering with regard to Darfur since 2003 has its origins in the fact that the intelligence bosses in Washington wanted to keep the Khartoum government as an ally in its war on terror and were wary of losing an important source of information at a time when the US was struggling in both Iraq and Afghanistan. On the other hand, in 2004 Bush was using his regime’s support for the Naivasha peace process as a key election platform to attract the fundamentalist Christian vote. The confused messages emanating from Washington on Darfur were reflective of the administration’s attempts to keep the Khartoum regime on its side without alienating the SPLA sympathisers in both the US Congress and the American electorate at large.

Some US critics like Don Cheadle have declared that ‘combating crimes against humanity is simply not considered a national security issue. We [USA] don’t want to burn our leverage on Sudan in the face of issues such as Iraq, Iran and Syria.’ (Cheadle & Prendergast, 2005) The US’s ongoing lack of a definitive position on Darfur is perhaps best illustrated by its initial resistance to referring the Darfur situation to the International Criminal Court (ICC) and its subsequent tacit capitulation. The incoherence of American policy on Darfur continues. In February 2006, US President Bush was keen to deploy NATO troops to Darfur but by April 2006 the Bush administration had downsized this plan and sent a few hundred technical advisors to assist AMIS. In October 2006, the USA passed a law freezing the assets of people it deems complicit in the Darfur atrocities and denies them entry into the USA. The effect of this is expected to be minimal.

Canada’s approach has been conservative and typically focused on humanitarian assistance and peace support rather than political statements on the nature of the clash. Since 2004, Canada has backed AU positions on
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the conflict and has been the principal contributor of armoured personnel carriers, fixed-wing aircraft and helicopters to AMIS. Darfur did become an election issue during Canada’s federal elections early in 2006, but conservative Prime Minister Stephen Harper has since said that Canadian troops are not required in Darfur.

In Europe, political positions on the Darfur conflict have been as varied as the European states themselves, with France and Britain, as former colonists in Chad and Sudan respectively, being among the most concerned. In September 2006, French Foreign Minister Phillipe Douste-Blazy used the term ‘genocide’ for the situation in Darfur and expressed France’s commitment to the United Nations’ force proposed for Darfur.

Some European nations have described the Darfur case as one in which the Sudanese government used overzealous counter-insurgency tactics against the rebels and ended up losing control of the Janjaweed. The European Parliament declared in September 2004 that the Darfur situation was ‘tantamount to genocide’ which set the scene for the Europeans to provide massive aid and humanitarian assistance without having to take more decisive political action to prevent genocide as demanded by the Geneva Conventions. (Neighbour, 2004) Amongst the European countries that have assisted AMIS with the provision of vehicles and equipment are the Netherlands, the UK and Norway. The European Union has been a principal funder of AMIS through the Africa Peace Facility. European Commission President Manuel Barroso declared that Europe is determined to avoid ‘a Rwanda syndrome where the international community goes out and does not fulfil its responsibility’. (News24, 2006) However, he failed to specify how this determination would be translated into action.

UN Deputy Secretary General Mark Malloch Brown has been scathing about the ‘megaphone diplomacy’ and ‘grandstanding’ adopted by the USA and UK on Darfur, claiming that the Sudanese government knows that Western threats will not be backed up by action. (Lovell, 2006) Canadian Senator Roméo Dallaire, the general who led the UN peacekeepers in Rwanda during 1994, has also repeatedly criticised the lack of decisive action, warning that the Rwanda situation is being duplicated in Darfur.

In Africa, too, political reaction on Darfur has varied. Sudan’s allies, particularly in North Africa, back President al-Bashir’s assertion that
Sudanese sovereignty is sacrosanct and that Sudan should be allowed to resolve the Darfur problem within the region or, at most, within Africa. Others have been more proactive, albeit through the mediation of the African Union. Nigeria hosted the Darfur peace talks and, together with South Africa, is playing a key role in moving the talks forward. In October 2006, Nigerian President Olusegun Obasanjo diverged from previous AU reluctance to use the term and said that the ‘genocide being developed’ in Darfur was in no one’s interest. (Tadesse, 2006)

The Media’s Role in Characterising the Conflict

Various media institutions have used the genocide label since late 2004, and others have depicted the situation as both an ethnic cleansing and a humanitarian disaster.

Perhaps one reason why the media has focused such concentrated attention on Darfur is that they came late to the scene, as it were. When the conflict exploded in the summer of 2003 and the first half of 2004, media coverage of Sudan was exclusively trained on Naivasha and the peace negotiations between the north and the south. With the end of this long-running civil war in sight, few were keen to mar the ‘feel-good’ atmosphere with questions regarding a peripheral region that hardly anyone had even heard of. It would be difficult to ‘sell’ the peace being agreed in Naivasha if one of the parties meant to be implementing that accord was found to be inflicting war crimes and genocide in another region of Sudan. Also, many in the media had for so long simplistically depicted the war in the south as being fought between evil Muslim northerners and helpless Christian southerners that a Muslim-on-Muslim war was outside this frame of reference.

Once the dire nature of the Darfur conflict became apparent, the media readily (perhaps too readily?) embraced the genocide and ethnic cleansing terminology, partly because of the sheer newsworthiness such an angle provided – the first genocide of the century, with echoes of Rwanda after the world had promised ‘never again’.

Some analysts suggest that the ‘genocide’ label has worsened the conflict on two counts. Firstly, the rebels believe they do not need to negotiate with the government and that the world will continue to support them even when
they commit atrocities. Secondly, the Khartoum government has used the genocide label to market itself to allies as a victim of Western anti-Muslim policy. Diplomatic sources close to the Abuja talks confirmed in an interview that the intransigence of rebel groups that did not sign the accord was indeed influenced by the global attention focused on Darfur: ‘Some leaders made grandiose demands regarding positions in government and others bluntly requested unreasonable financial rewards, fully confident that the world would agree to almost anything to stop the fighting.’

Quantifying Mortality: Has Genocide Occurred?

Even today, analysts differ on whether Darfur constitutes genocide or not. Numbers alone do not define a conflict but they do help to illustrate the depth and breadth of its impact. While there have definitely been large-scale killings in Darfur, there are several reasons why accurate estimates of casualties and displaced persons are difficult. Firstly, when the simmering situation detonated in 2003 (and for up to 18 months afterward) there were few independent observers on the scene. Secondly, visitors to the area are restricted and their interaction with victims and witnesses is limited by the Khartoum government. Thirdly, the violence has seeded so much mayhem that various areas in Darfur have become no-go zones, even for aid workers.

A September 2006 study in Science Magazine conservatively estimates that up to 255,000 deaths have occurred during 31 months of conflict in Darfur. (Hagan & Palloni, 2006) The study acknowledges that these figures may well be higher. Other authors, basing their estimates on data from refugees in both Darfur and Chad, say the death toll to date could be as high as half a million, with over two million people displaced, both internally and in neighbouring states.

Ethnic tensions and periodic disputes have existed in Darfur for centuries – they have been exacerbated by drought, famine and political manipulation from Khartoum and Libya. Despite this, Darfuris managed to coexist relatively well until recently. In much the same manner, ethnic tensions and disputes were present between Hutus and Tutsis in Rwanda well before 1994. They were encouraged by Belgian political manoeuvring but did not
flare into genocide-type situations, until, in each case, the ruling government supplied weapons and back-up support to one side in the conflict.

The Khartoum government, as late as May 2006, continues to insist that the Darfur conflict is an inter-tribal one that has become progressively worse as a result of successive drought and famine cycles. This is clearly disingenuous, as the continued bombardment of villages by army aircraft and the co-option of Janjaweed into the regular army cannot by any stretch of the imagination be explained by Khartoum’s ‘tribal war’ defence.

A UN expert panel found ‘credible information that the Government of Sudan continues to support the Janjaweed through the provision of weapons and vehicles. The Janjaweed/armed militias appear to have upgraded their modus operandi from horses, camels and AK-47s to land cruisers, pickup trucks and rocket-propelled grenades ... Their continued access to ammunition and weapons is evident in their ability to co-ordinate with the
Sudanese armed forces in perpetrating attacks on villages and to engage in armed conflict with rebel groups.’ (United Nations, August 2006: paragraph 76)

The Sudan government’s sophistry on the issue has been considerable. After the Darfur Peace Agreement (DPA) was signed between Khartoum and one of the three major rebel factions in May 2006, the government used that as an excuse to bring troops and pro-government police units into the region, under the pretext that they were there to monitor the (entirely notional) ceasefire.

Since the DPA was signed, the violence has, in fact, intensified. Rebel groups are fighting each other in an attempt to gain territory before any new peace initiatives are begun. Consequently, civilians in many areas now fear the rebels as much as they do the Janjaweed from whom they had hoped the rebels would protect them.

One puzzling element for those who support the genocide or ethnic-cleansing hypotheses is the poor timing of the intensified attacks on Darfur. Why would Khartoum choose the very time it was re-establishing itself as a commercial and intelligence ally in the West – with more moderate views than those espoused in 1989 – to attack Darfur? This is one of the reasons that Sudan experts such as Alex de Waal tend towards the view that Darfur is a case of counter-insurgency gone terribly wrong. He says ‘the monster that Khartoum helped create may not always do its bidding: distrust of the capital runs deep among Darfurians, and the Janjaweed leadership knows it cannot be disarmed by force’. (De Waal, 2004)

It is clear, both from the UN Commissions of Inquiry in 2005 and 2006 and from the reports of watchdogs such as Amnesty International, that at the very least a degree of ethnicised warfare is occurring in Darfur; that there exists a very real case for the prosecution of war crimes in the region; and that a large-scale humanitarian disaster has unfolded with ramifications for the region as a whole. What is more challenging is finding proof of deliberate intent by the state to exterminate a given group or groups of people. Thus far, such intent has not been proven, even though it may have been imputed. Ultimately, the semantics do matter as they influence the degree of attention (or lack thereof) that a conflict is accorded and, consequently, influence both the humanitarian response and the political action on a given issue.
THE RESOURCE QUESTION AND THE POLITICS OF RESOURCES

When Sudan discovered oil in the south and southwest of the country in the mid-1970s, its international profile altered drastically. By 1999, a Chinese-funded pipeline had been built and oil had begun to flow. Sudan currently exports between 300,000 and 500,000 barrels of oil per day, a not inconsiderable amount given the current state of insecurity in the Middle East, the world’s major oil-producing region. Southern Sudan’s Muglad Basin alone is said to hold about three billion barrels of crude oil. (Salopek, 2003)

Disputes over the oil revenues from southern oilfields were a major factor in prolonging the north–south conflict. US pressure played a key role in the CPA negotiations, which included a 50/50 split of the proceeds from southern oilfields. As Salopek famously noted, oil is a mixed blessing: it can fuel the heart of the conflict, but it may also be a means to peace.

Russia, China and France, all three of whom are permanent members of the UN Security Council, are amongst Khartoum’s largest customers, a factor that has played a role in their votes within the council. China owns 40% of the Greater Nile Petroleum Operating Company and Sudan is the fourth-largest supplier of oil to China. India, Malaysia and the United Kingdom also have investments in Sudan’s oil sector.

In September 2006, the British parliament’s influential foreign affairs committee called for the UK-listed Shell Oil Company and other British businesses to disinvest from Sudan. ‘The [Darfur] situation is so unacceptable that there would be merit in British companies disinvesting,’ asserted committee member Richard Younger-Ross. ‘We can’t stand by and watch genocide.’ (Walsh, 2006)

The United States currently has a trade embargo on Sudan, but considering its voracious domestic appetite for oil, and with increasing global competition from China in the manufacturing sector, it takes a keen interest in the region’s production. With surging energy demand from China reshaping the future of global economics, many experts see an ‘Energy Cold War’ looming. Sudan and other petro-economies in the region, like Algeria and Chad, would become crucial players in such an event.

More significant, perhaps, is that sources across the party political
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spectrum in Sudan attest to the existence of oil reserves in Darfur, even while many media and analysts tend to dismiss this hypothesis. Prunier states that ‘the only companies holding oil exploration permits in Darfur are Japanese’ and that the necessary seismic exploratory work to determine whether oil is present has not been done.

But according to Reuters, the Sudan government has discovered large reserves of oil in Darfur and it announced that drilling would begin in April 2005. Mohamed Siddiq, a spokesman for Sudan’s Ministry of Energy and Mining, told Reuters: ‘The drilling [in Darfur] was undertaken on the basis of the geological studies and surveys which proved the presence of oil in abundant quantities.’ (Gidley, 2005)

Analysts have speculated that Khartoum’s strategy to drive out Darfuris is linked to the oil potential and a desire to avoid sharing the revenues. Rebel groups have called on the international community to stop exploration and oil investment in Darfur until the conflict is resolved. ‘The Sudanese people have never benefited from these discoveries,’ JEM’s Ahmed Hussein told journalists. ‘The oil must wait until a final peace deal is signed.’

Whether or not Darfur does have oil is perhaps less significant than the fact that many Sudanese, including Darfuris, believe the oil is there and that the global interest in the region is predicated on gaining access to that oil.

Also interesting, though unsubstantiated, are claims that Darfur may potentially yield uranium, bauxite and copper deposits.

Regional Resource Issues

The regional politics of oil should also not be discounted. Chad has used much of its oil revenues to purchase arms and to counter the Darfur-based rebels, a situation the World Bank has tried to contain. Chad produces about 170,000 barrels of oil per day and the major oil companies operating there are the USA’s Exxon Mobil and Chevron, and Malaysia’s Petronas. With the Darfur conflict spilling over into eastern Chad, there are fears that those oil flows could be disrupted.

Meanwhile, France, despite a military accord with its former colony, harbours resentment toward Chad’s President Déby for sidelining French oil company Elf in favour of Exxon when drilling rights were awarded in
the late 1990s. Also, political jockeying by China and Western players over exploration rights for promising oil reserves in the south of Chad could impact on the Darfur situation. If China becomes a major player in the Chadian arena, for example, this would reduce the World Bank’s influence and could trigger an even greater arms influx into the region.

**MULTILATERAL APPROACHES**

Multilateral bodies such as the United Nations, the African Union, NATO, the European Union and the Arab League have all entered into the Darfur debate at some point. Given the failure of the world to prevent the Rwandese genocide of 1994 despite the provisions of the Geneva Conventions and other international promises, the Darfur situation challenges the willingness of the international community to ‘transform words into action’ and tackle gross human rights abuses in any part of the globe.

The strength of multilateral institutions lies in the collective resources that they can muster – including financial, military and technical – as well as in the collective influence that they can bring to bear. In effect, the whole is deemed to be greater than its constituent parts. On the other hand, owing to the difficulties in reaching consensus within a multilateral body, decisive action is rarely a strong feature. They may theorise and debate and pass resolutions, but the implementation of these resolutions is largely dependent on the political will of the member states and is usually in direct proportion to the political and economic might of the member countries.

**The AU in Darfur: Between a Rock and a Hard Place**

For the fledgling AU, launched in Durban in 2002, Darfur became the litmus test by which its Peace and Security Council would be judged. African Commission chairperson Alpha Konare acted commendably fast to send a fact-finding mission and the first troops to Sudan. However, individual AU member states remained divided on how they viewed the Khartoum regime and this diluted the mandate of the AU force in Sudan. Although the AU has vowed to move away from the old Organisation of African Unity (OAU)
stance of defending fellow African leaders even when they perpetrate abuses of human rights and democracy, the Darfur case shows that the institution is walking a diplomatic tightrope in trying to appease both its North African Arab members and the rest of its membership.

The AU’s willingness to play the peace monitoring role in Sudan was welcomed by most role players. It relieved the Western countries and the UN from this obligation and, with the disasters of Rwanda and Somalia still memorable, they willingly funded the mission. The US and Britain were also militarily committed in Iraq and Afghanistan, so were happy to pass the responsibility elsewhere. The AU was able to tout its ‘African solutions for African problems’ mantra without having to foot the bill for most of the mission. It also got to flex its peacekeeping muscle and later (during the DPA negotiations) its peacemaking muscle. Sudan, having vigorously rejected any Western intervention, was able to save face by allowing entry to its ‘African brothers’, while secure in the knowledge that the size and mandate of the force would not significantly change the status quo in Darfur.

Given that it is cash strapped and has little experience as yet of multinational peacekeeping, the AU mission in Sudan (AMIS) has done a credible job under frustrating circumstances. UN Secretary General Kofi Annan has acknowledged: ‘Where the African Union troops are, things are better for the population. But there are far too few of them.’ He also expressed grave concern that the world was not acting fast enough to deal with the appalling atrocities in Darfur. (United Nations, 2005)

Compared with the initial troop strength of fewer than 400 in June 2004, AMIS currently has just under 8,000 troops attempting to patrol the vast reaches of Darfur (approximately 256,000 square kilometres). This troop complement includes about 1,500 AU police. The mission’s tenure has been extended to the end of 2006, and is likely to be extended again. Despite revisions to its ‘responsibility to protect’ in 2004 and 2006, AMIS remains hamstrung by a mandate that limits it to protecting civilians without allowing the use of deadly force. ‘AMIS’s own protection role is so highly qualified as to be almost meaningless,’ the International Crisis Group scathingly noted in May 2005.

Senior AU officials told the New York Times of their frustrations and complained of deliberate provocation by Sudan. For example, their helicopter
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jet fuel, which is already in short supply, goes missing during the night when the airfield next to the AU base in El Fasher is ‘guarded’ by Sudanese government troops. Late payment of salaries has also lowered the morale of AMIS troops.

Among the major challenges limiting AMIS effectiveness, according to Human Rights Watch, are poor logistics planning, a lack of self-sustaining fuel capacity and limited technology for both command and control, and mobility. The shortage of land and air vehicles and limited night-vision capacity, in particular, severely compromise the mission’s rapid response capacity. Indeed, Commander Appiah-Mensah warns that ‘the mission runs the risk of atrophying because of logistics and cash constraints … [which] will spell disaster not only for the operations in Darfur but for all future AU-led missions.’ (Appiah-Mensah, 2006)

The inability of AU troops to prevent intensified violence and looting has weakened civilian confidence in AMIS’ effectiveness. It has been criticised for failing to interpret its mandate forcefully and creatively enough. In addition, AMIS has been unable to guarantee the safety of the AU’s own vehicles and personnel or those of aid agencies. In north Darfur alone, where 350,000 people are cut off from food aid as a result of the intensified fighting, several AU vehicles and more than 25 humanitarian agency vehicles were hijacked between May and October 2006, with a dozen aid workers being killed in that same five-month period.

AMIS’ credibility was also greatly compromised when it supported the Khartoum government’s decision that rebel factions that refused to sign the DPA should be excluded from the Darfur Ceasefire Commission. The commission is tasked with ‘verifying and guaranteeing’ a ceasefire, which thus far has been observed largely in the breach.

AMIS is ostensibly meant to be monitoring the implementation of the April 2004 Humanitarian Ceasefire Agreement and the more recent DPA signed in Abuja in May 2006. But because two of the three major rebel groups (JEM and the SLA faction led by Fur commander Abdel Wahid al-Nur) have not signed the Abuja accord, the conflict continues. Indeed, fighting has intensified because the rebels are now pitted against each other as well as the government. Even the UN’s Jan Pronk has admitted that the agreement is ‘in a coma’.
Human Rights Watch recommends that to ensure civilian protection in Darfur, it is necessary to have ‘aggressive patrolling by AMIS troops properly equipped with Armoured Personnel Carriers (APCs), attack helicopters and other necessary equipment; with clearly defined and understood rules of engagement among all troops that permit them to use deadly force to protect civilians’. (Human Rights Watch, January 2006) This highlights the need for a change of mandate and an expansion of the mission, with the provision of adequate armaments and equipment as described. They add that pressure must be put on the Sudanese government to stop impeding the full deployment and operations of AMIS.

The UN in Darfur: Actualising the Responsibility to Protect

Acutely aware of its weak mandate and resource gaps, AMIS was hoping that its mission would be transformed into a larger (up to 20,000 troops) and better-equipped UN-led force when its initial mandate expired at the end of September 2006, not least because the UN’s blue-hatted troops are better paid than the AU’s green berets. The UN Security Council paved the way for this measure with Resolution 1706 in August 2006.

However, President al-Bashir has adamantly rejected the notion of UN troops in Darfur. He claims that this would constitute a loss of national sovereignty and that the UN resolution is an attempt by the West to re-colonise Sudan. Given the sizeable UN Mission in Sudan (UNMIS), currently there to oversee implementation of the north–south peace treaty, these claims are little short of ludicrous. In fact, Resolution 1706 essentially proposes that UNMIS be significantly expanded and that its mandate be broadened to cover all of Sudan as well as Sudan's border zones with Chad and CAR.

Abdul Rahim Mohamed Hussein, Sudan’s defiant Minister of Defence, has warned that ‘Darfur will become the graveyard of the United Nations and foreign intervention’ (if Sudanese sovereignty is threatened). (Bridgland, 2006)

Watchdog organisations and political analysts contend that delinquent states have misused the sovereignty argument to insist that other countries should not intervene. This buys them time to continue abusing the human
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rights of their citizens with impunity. Recent international codes assert that individual states have the responsibility to protect their citizens against genocide, war crimes, ethnic cleansing and crimes against humanity. The Commission on Intervention and State Sovereignty further endorses action, including military means, to protect civilians in cases where their governments are unable or unwilling to do so. Thus, a state that fails to protect its citizens or actively targets them forfeits the rights of sovereignty and non-interference, as both Appiah-Mensah and Olivier assert. (Olivier, 2004)

Sudan is a party to the International Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights. It has also signed the Convention on the Elimination of Racial Discrimination and the African Charter on Human and People’s Rights. Accordingly, it has agreed to uphold the rights of all its citizens in respect of these charters and failure to do so demands that the other parties to the treaties exert all possible means to ensure that gross infringement of these rights does not continue.

Khartoum’s intransigence on the UN may arise from concerns that Resolution 1706 would give the proposed Darfur mission extensive powers under Chapter VII of the UN Charter. These powers encompass the use of ‘all necessary means’, including the use of deadly force, to protect civilians; they also authorise the mission to seize arms and armaments that constitute a threat to peace. Other concerns from the al-Bashir government may be that a UN mission would likely arrest and hand over suspected war criminals to the International Criminal Court (ICC). UN Deputy Secretary General Mark Malloch Brown expressed a similar concern in an October 2006 lecture at the Brookings Institution. (Gedda, 2006)

Meanwhile, other players such as the EU and the Arab League have become involved in an attempt to break the impasse between the Khartoum government and the UN. At the time of writing it seems most likely that the way forward would be a compromise called ‘AU Plus’, involving an extended AU mission with logistical and technical support from a few hundred UN staff. This may be a first step to breaking the current stalemate and incrementally allowing the deployment of more peacekeepers and some UN expertise.

However, Khartoum continues to oppose any significant non-African
presence and in October 2006 rejected suggestions from the Arab League (of which Sudan is a member) that AMIS be augmented by troops from Arab countries in the change-over from an AU to a UN force. Khartoum’s US embassy has actually sent letters to various UN member states (including those in Africa and the Arab world) warning that if they volunteer peacekeeping troops for Darfur, Sudan will regard this as ‘a hostile act and prelude to invasion’.

While we have focused here on the debacle around Resolution 1706 as being most relevant in the current situation, the political manoeuvres of member states in the Security Council deserve a mention. Over the past two years, permanent members of the Council that have strategic interests in Sudan, such as China, Russia, the USA and France, have utilised their veto power at various times to block or dilute resolutions calling for stronger action against the Khartoum government – including the blocking of economic sanctions. Non-permanent members such as Algeria and Kuwait have used their vote to register opposition or abstention.

Such politicking within the Security Council casts doubt on the noble intentions enshrined in the international charters that most states have signed. It brings into question the political will of member states when confronted with conflicting national interests. Especially in the case of global economic powers, the quasi-equality of states is revealed as a sham. To paraphrase George Orwell, some states are obviously more equal than others, with greater leverage and persuasive power. Are they then not obliged to take the lead in responsible and ethical use of that leverage within the multilateral body? For example, Obama and Brownback argue: ‘Only the United States, working in concert with key nations, has the leverage and resources to persuade Khartoum to change its ways … the administration must help transform the African Union protection force into a sizable, effective multinational force.’ (Obama & Brownback, 2005)

The inescapable and tragic conclusion is that notwithstanding the provision of considerable humanitarian assistance to Darfur, the UN as the proxy of the international community – while slowly passing more than a dozen resolutions and agreeing in principle on the need for a robust peacekeeping force mandated to protect civilians – has failed in its responsibility to protect Darfuris.
Amnesty, Impunity and the International Criminal Court

In February 2005, the UN Commission of Enquiry on Darfur recommended that the situation be referred by the Security Council to the ICC, a world body set up to investigate and prosecute perpetrators of genocide, war crimes and crimes against humanity. At the time, the USA, China and Algeria were opposed to this route and there were fears that the USA or China would exercise its veto power to block such a referral. UN Secretary General Kofi Annan urged the Council that it was vital that the crimes in Darfur not be left unpunished, given that the previous two years had been ‘hell on earth’ for Darfuris. More than a month later, on 31 March 2005, Security Council Resolution 1593 was adopted. The USA and other members abstained from the Resolution.

The referral was a watershed for the fledgling court as it was the first one from the Security Council. Unlike other cases currently before the ICC where member states have requested the court to act, in the case of a non-member state (like Sudan) the ICC can only investigate incidents through a Security Council resolution. The referral thus confers jurisdiction on the ICC.

The referral was intended not only to provide post-facto justice and end impunity, but also to deter all parties in the Darfur conflict from committing further atrocities. In the latter regard, the reality has fallen far short of the objective and the carnage continues almost two years on.

When the ICC opened its Darfur investigation on 6 June 2005, the UN Commission handed the court its findings, including the names of 51 potential perpetrators. ICC chief prosecutor Luis Moreno-Ocampo said that the court’s work would ‘form part of a collective effort, complementing African Union and other initiatives to end the violence in Darfur and promote justice’. (Guardian Unlimited, 2005) But the Sudanese justice minister declared in the same month that Khartoum had not been notified of the ICC investigation and would not hand over ‘any Sudanese national for trial outside the country’. (Sudan Tribune, 2005) The government has reiterated this position several times.

Sudan’s opposition poses practical and logistical problems for the court since it usually relies on state apparatuses to execute warrants of arrest, to protect witnesses and generally be cooperative. In the Darfur case, the
Sudanese government itself is implicated in the crimes. This will complicate and prolong the investigation.

Some analysts argue that the ICC referral has provided a convenient balm with which leaders and governments can salve their consciences by touting the court’s investigation as evidence of action. Yet they know the ICC work is a long-term, painstaking process that, as yet, has had little practical impact on the continuing violence. In good conscience, they say that the ICC investigation demands concomitant action to halt the killing in Darfur. Other experts say that the threat of ICC indictment will prolong the
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violence. For example, supporters of militia leaders like Musa Hilal, whose name is believed to be on the list handed to the ICC, have threatened to intensify the violence if their leader is arrested.

On one hand, a case is being made for blanket amnesty, which some analysts say will halt the killings. Others feel that ICC investigations should be supported with a view to prosecution of the leaders once peace has been negotiated and consolidated.

Given the defiant hubris of Hilal and others who have allegedly perpetrated gross human rights violations and continue to do so with impunity, offers of amnesty may have little effect except to convince the perpetrators that they are indeed dealing with paper tigers who will hesitate to bring them to account.

What of the international dynamics regarding the ICC investigation into Darfur? Driven by oil interests and Arab solidarity respectively, the opposition of China and Algeria to Resolution 1593 is explicable. Given its official characterisation of the atrocities in Darfur as genocide, the US’s resistance appears to be motivated solely by its vehement opposition to the ICC’s very existence.

When the Bush administration came to power, it withdrew the USA’s agreement to the Rome Treaty – the founding document of the ICC – because it feared political motivation might lead to the prosecution of US citizens in other countries. Since the World Court began operating in 2002, the USA has actively undermined it by signing dozens of bilateral treaties with ICC member states in an attempt to shield American citizens from ICC jurisdiction.

Its eventual abstention from the vote on Resolution 1593 was a face-saving measure in light of its calls for action on Darfur, but it in no way mitigates American opposition to the ICC.

Consequently, the responsibility to ensure that the ICC investigation into Darfur is facilitated and supported will fall on those states that are parties to the Rome Treaty, particularly those that have sufficient political and economic power collectively to facilitate solutions to pertinent problems such as adequate witness protection and the preservation of evidence.
CONCLUSION

Attempting to unravel the jumble of threads that have knotted Darfur into a tense and tangled maze of mayhem is an ambitious undertaking. Important strands may have been lost or overlooked in the process. In this event, apologies are tendered in advance. Further, daring to illuminate these elements by placing them in the context of regional and international events may have been foolhardy given that several role players will not be pleased to have their actions analysed or their motivations questioned.

Nonetheless, it is hoped that the reader has been taken beyond the media hype to a clearer understanding of the factors and influences that fuel the present situation in Sudan, and especially in Darfur. No single analysis can adequately and objectively present all the facts, given the complexity of the situation.

It may benefit the reader to approach future reports about the region armed with Emily Wax’s five truths about Darfur (qualifications in brackets have been added by this author):

1. Nearly everyone is Muslim.
2. Everyone is black.
3. It is all about (domestic and regional) politics.
4. This conflict is international.
5. The ‘genocide’ label (possibly) made it worse.

To these, two more ‘truths’ may be added:

1. It is about access to resources (locally and globally).
2. No party to this conflict is totally innocent of wrongdoing.

Given the recent moves to end the standoff between the UN and the Khartoum regime, hope is being rekindled that despite the near-death situation of the Abuja agreement, the international community will, even at this late juncture, take rapid and effective action to comply with its responsibility to protect Darfuris. A multi-pronged approach is clearly indicated: incremental but sustained expansion of peacekeeping activities; renewed peace negotiations with incentives for participation and repercussions that can be implemented for non-participation; facilitation of the ICC investigation; and, above all,
on multiple fronts, concerted and sustained pressure to expand and upgrade AMIS into the effective and responsive force envisaged in Security Council Resolution 1706.

Darfur has been burning for over three years – witnesses testify that it is truly the hell referred to by Kofi Annan. It has become emblematic of the infernos that we collectively failed to extinguish from Bosnia and Rwanda to West Africa and beyond. If the world acts responsibly and decisively on Darfur, it may well unleash sufficient momentum for action to halt other atrocities around the globe. Conversely, if the world allows its total incineration, the ashes of Darfur will taint our conscience and embitter our collective human memory for generations to come.
The Darfur Peace Agreement (DPA) was signed in May 2006. Three months later, it was in danger of collapsing. Khartoum, reticent to accept polite requests for a United Nations (UN) peacekeeping force from a dithering and distracted international community, began to increase its military presence in the region. At the same time, two million internally displaced persons (IDPs) occupied a string of under-resourced refugee camps while hundreds, if not thousands, continued to die in violent clashes.

At face value, this is a conflict without a mutually hurting stalemate. Rebel groups co-opted into peace processes benefit handsomely. At the same time, those that continue to fight are far from desperate. To their main rival, the Government of Sudan (GoS), the Darfur conflict has always been a low-cost, distant affair. Consequently, little incentive exists to lay down arms.

Yet, there is more to the recurrent collapse of peace efforts in the region than ongoing rogue behaviour from either Khartoum or the rebels. Numerous spoilers, as well as social, economic and political causes are the reasons why peace remains compromised.
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HOW IS THE DPA FAILING?

The current conflict started in March 2003 when groups of young Darfurians rebelled against ongoing attacks by Arab militiamen and what they called the marginalisation and neglect of their region. The Khartoum government reacted with counter-insurgency attacks by enlisted militias known as Janjaweed, backed up by air strikes. Conservative estimates put casualties at 70,000, others at 200,000, but some claim it is as high as 300,000. A more constant figure is that of two million civilians who have been forcibly displaced.

Against this background and under the auspices of the African Union (AU), the DPA was signed in Abuja between the Government of Sudan and the largest faction of the Sudan Liberation Army (SLA) led by Minni Arkou Minawi. It is understandable that this was hailed as a milestone after more than two years of faltering AU negotiations amidst the carnage. Importantly, the Justice and Equality Movement (JEM) led by Khalil Ibrahim and a faction of SLA led by Abdul Wahid refused to sign the agreement and continue to fight from Chad.

It is then no surprise that from the outset the DPA was greeted with mixed enthusiasm. Some commentators emphasised serious flaws such as unrealistic timetables, the lack of AU capacity to implement various crucial tasks and the lack of commitment from Khartoum to disarm the Janjaweed. Others were more optimistic, claiming that this deal represented the best chance yet for a lasting peace in the region.

Goals, Strengths and Weaknesses of the DPA

Implementation of the Darfur Peace Agreement has, at best, been mixed. The following four areas highlight the goals, strengths and weakness of the agreement:

• demobilising combatants and neutralising spoilers;
• political power-sharing;
• economic reconstruction; and
• reconciliation and peace building.
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Demobilising Combatants and Neutralising Spoilers

The DPA requires that all JEM and SLM/A rebels be disarmed, demobilised or redeployed. Those qualified and competent are to be integrated into the Sudan Armed Forces (SAF) with Darfurians represented fairly at all levels. Combatants integrated into the SAF in Darfur are protected from transfer and retrenchment for five years. The SAF also has to downsize its forces in Darfur and on the Chad border. The AU Mission in Sudan (AMIS) is tasked with monitoring the process.

Arguably it is in this area that the DPA has faced its sternest test. Without disarming fighting groups and repatriating the displaced, the war would never stop. A major weakness in the provisions is that Khartoum was given sole responsibility to disarm the Janjaweed, despite a telling history of failing to comply with similar requests. If an apparent lack of political will is an impediment to effecting protocols dependent on Khartoum, then an obvious lack of capacity in the AU is an impediment to effecting protocols dependent on that body. The AU is simply not able to monitor the disarmament process, let alone create and enforce buffer zones to maintain humanitarian corridors and separate areas of control around the IDP camps.

A further problem remains rebel fragmentation. Wahid’s rebel faction, for example, has demanded greater government commitment to a compensation fund, greater SLA involvement in repatriation of refugees and a role in supervising the disarmament of the Janjaweed. Yet, at the same time, this faction has continued to destabilise large areas in Darfur. The fundamentalist JEM, although small in military terms but enjoying Chad’s active support, also has potential to be an ongoing and effective spoiler, mainly through non-military means such as public relations and the media.

Political Power-Sharing

During negotiations, the JEM and SLA/M demanded the vice-presidency of Sudan, governorship of Khartoum, eight federal cabinet positions and a single Darfur region. They claimed that these measures would counter the political and economic marginalisation at the root of the conflict. The ruling National Congress Party (NCP) was unwilling to compromise a 52%
majority in the National Assembly or sacrifice the vice-presidency. They also argued that three Darfur states instead of one would make for more effective governance.

As a compromise, the DPA provided for a ‘Senior Assistant to the President’, the fourth highest position in the Government of National Unity (GoNU). The president was required to fill the post from nominees offered by Darfur rebels; subsequently, SLA leader Minni Minawi was appointed. Furthermore, Darfur rebel groups would have three state ministers in the federal government and one cabinet minister in the executive of Khartoum, in addition to the four cabinet posts already held in the GoNU. They would also have 12 additional seats in the National Legislative Assembly. To accommodate the demand for a unified Darfur, the DPA provided for a referendum on unification by July 2010.

An obvious problem is that rebel groups still form a minority in Darfur’s regional government. However, one could argue that rebels are in a much better position to realise central demands for an improved dispensation. The ‘Senior Assistant’ is vice-president in all but name and as chairperson of the Transitional Darfur Regional Authority (TDRA) has a powerful executive organ at his disposal to begin rebuilding Darfur’s shattered infrastructure. Rebels have also gained substantial representation at all levels of state and local government and if they win the democratic election scheduled for 2009 they will govern Darfur.

**Economic Reconstruction**

In response to the SLM/A and JEM’s demand for individual compensation for victims’ losses during the war, the DPA made provision for a fund to compensate victims. This was a step in the right direction, but a modest one. Khartoum has committed $30 million.

The DPA further stipulated that Darfur’s share of national wealth be worked out by a new body called the Financial Allocation and Monitoring Commission (FFAMC). Darfur would be represented on a Panel of Experts assisting the FFAMC. Darfur was to receive $300 million from Khartoum in 2006 and a further $200 million in 2007 and 2008 respectively to speed up post-conflict reconstruction. The TDRA chaired by the Senior Assistant
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would implement the DPA and supervise economic reconstruction as well as the repatriation of refugees.

Reconciliation and Peace Building

The DPA proposed an ongoing Darfur–Darfur Dialogue and Consultation (DDDC) process to be inaugurated no later than 60 days after its signing. Representatives from each region could begin to address issues of land ownership and nomadic migration. Aimed at promoting reconciliation and broader ownership of the DPA, a preparatory committee was tasked to identify 800 to 1,000 participants. This came in the wake of various efforts – not least by the Khartoum government itself – to reconcile the fractured Darfur community. Vicious clashes between rebel factions in the wake of the DPA have made such an initiative crucial to future security but highly unlikely to gain long-term momentum.

Failing to Make an Impact

The DPA was not the first attempt to bring the Darfur conflict to a negotiated end. Judging by its current lack of impact, it may not be the last. Darfur has a long history of talking peace, but little experience in making peace. As early as June 1989, a peace conference was held to disarm and demobilise the newly formed Sudan Liberation Army (SLA) created from Fur self-defence units. In a pattern that would repeat itself, the rebels merely went underground, hiding their weapons from the police. Darfurians were sent to SPLM/A camps to train and prepare for what many in Darfur believed to be an inevitable uprising. Government-installed tribal chiefs were increasingly distrusted by this younger, more militant generation.

In 2002, when talks in Naivasha between Khartoum and the SPLM/A gathered momentum, the Darfur conflict was quietly deepening. Feelings of marginalisation reached fever pitch soon after a high-ranking government official’s conciliatory visit and 11 policemen were killed. By mid-January 2003, a series of clashes across the Chad border raised alarm bells in Khartoum as well as N’Djamena. The word ‘insurrection’ was used for the first time after 300 men attacked an army garrison, killing nearly
200 soldiers and forcing the rest to flee. In an effort to protect their increased international prestige (as a result of peace talks with the south), Khartoum described this attack as mere ‘ethnic fighting’ and ‘banditry’. Yet it quietly sent a delegation to negotiate with the ‘armed group’, showing that, in fact, it suspected more than the ‘normal ethnic violence’. (Prunier, 2005: 92) In a barely concealed threat, it added that if dialogue did not work in Darfur, the army could ‘solve the situation in twenty-four hours’. At the same time, Khalil Ibrahim – founder of the group of dissidents said to be responsible for the publication of *The Black Book*, a controversial document highlighting Darfur’s systematic economic and political neglect – claimed credit from London for initiating the revolt through the hitherto unknown Justice and Equality Movement (JEM). Violence escalated throughout 2003. SLA rebels even occupied the El Fasher airport in April. By August, the number of army casualties rose above 1,000.

A group of Darfurians living in Khartoum wrote to President al-Bashir requesting dialogue with the rebels, an end to the use of irregular militias by the government and a ceasefire. Bashir reacted by assembling a task force to implement a military solution. The government also freed convicted cleric Sheik Musa Hilal, in prison for murder, and sent him back to Darfur to recruit Janjaweed to join the fight against the rebels.

Government attacks typically involve aerial bombardment of villages, often with crude bombs designed to cause maximum destruction. After this, the Janjaweed arrive on horseback either alone or with the Sudanese army. They surround a village, kill the men and infants, rape the women and chase the survivors away.

In September 2003, further diplomatic efforts were made. Minawi met emissaries from Khartoum in Abéché, Chad. A 45-day truce was signed. In October, the parties met again at Abéché. The government rejected allegations that it had violated the September agreement, adopted a racial policy and encouraged militias to attack civilians. The SLM walked out and the war continued. When a third round of talks was also aborted, the SLM demanded that negotiations be directly linked to the Naivasha talks and be afforded international observation. Since the international community was transfixed on the north–south process and Khartoum handled Darfur as a ‘small ethnic problem’, these requests fell on deaf ears.
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In 2004, the humanitarian crisis finally made international headlines when Chad objected to hundreds of thousands of refugees flooding its borders. In April, Khartoum and the rebels signed another 45-day ceasefire but this was broken within hours of signing. By mid-2004, 1.2 million IDPs presented international humanitarian agencies with a growing nightmare. In July, Khartoum signed a joint agreement with the UN, resolving to find a peaceful solution to the crisis. Peace talks in Abuja started and collapsed in September. In October, the International Committee of the Red Cross said that the humanitarian situation was worse than it had been during the devastating drought of 1984. Meanwhile, Khartoum actively derailed attempts to distribute food aid. Talks resumed in December 2004 and Humanitarian and Security Protocols were signed. At the same time, Khartoum launched a military offensive to clear roads of all insurgents. Predictably, talks ground to a halt once again and the European Parliament described the Darfur situation as ‘tantamount to genocide’. (Prunier, 2005: 121)

When the CPA was signed in January 2005 amidst intense international interest, any reference to Darfur was pointedly omitted. In the same month, Khartoum relaunched its military offensive in Darfur. Nevertheless, the parties met twice during 2005 to negotiate protocols for wealth and power-sharing. A full peace agreement was finally signed in Abuja in May 2006.

However, the pattern of participating in peace talks while continuing to fight persisted and hostilities increased. In July alone, the UN reported that 25,000 people had been displaced in northern Darfur. The main cause was fighting between newly created rebel factions, some pro-DPA and others anti-DPA. Banditry, inter-tribal feuds and continuous incursions across the Chad border occurred. Sexual violence against women perceived to be from opposing rebel factions also increased. Attacks by rebel groups on police, AU forces and even aid workers intensified, while militia attacks on civilians continued. As a result, the DPA was being described as a ‘dying deal’ a mere three months after its signing.

Intense unhappiness led to violent demonstrations against the agreement. Four days after the DPA was signed, demonstrators in the Kalma IDP camp looted an AU police post and killed an unarmed Sudanese translator. Such protests occurred across the region. Prendergast comments: ‘It is the first time in my 20 years of work in Africa’s war zones that I can remember
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meeting people so opposed to their own peace deal.’ (Prendergast, 2006)

Why is the DPA failing?

Three factors emerge to highlight why the DPA has been so ineffectual:

- DPA provisions have been met with straightforward non-compliance in four critical areas: disarmament, spoiler management, enforcement and verification, and humanitarian aid.
- Darfur’s ethnic problems, by and large, seem to be imported. Darfur tribes have long lived in a mosaic of cross-cutting identities. Recent events have fractured tribal relations by reinforcing ethnicity with relative levels of socio-economic deprivation as well as political marginalisation. The DPA has failed to deal with this dimension of the Darfur conflict.
- The conflict is about power – from the start, the insurrection challenged the fundamentally unequal power relations between Darfur and Khartoum. Any negotiation between unequal adversaries is limited.

Non-compliance

Disarmament

In the past when asked to disarm, rebels simply buried their best guns and handed old ones to the police who often turned a blind eye in political sympathy with the Darfur cause. On at least five previous occasions, Khartoum broke its commitment to disarm the Janjaweed and currently it has not begun the disarmament process required by the DPA. According to reports, Khartoum continues to assist the Janjaweed in killing ‘non-Arab’ Darfurians. To rely on Khartoum for Janjaweed disarmament is therefore unconvincing to the two million IDPs who refuse to return home as long as Khartoum supervises the process.
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Spoiler Management

The post-DPA fragmenting of insurgency forces into smaller, ethnically defined groups complicated matters. The Fur, for example, signed up to the DPA but the Zaghawa did not. This created a number of new spoilers. According to UN analysis, the main cause of post-DPA insecurity was that parties who signed the peace agreement used it as a shield to continue waging war on the non-signatories. A spate of vehicle hijackings, mainly those of aid workers and NGOs, also pointed to the myriad of splinter groups developing in the wake of the DPA. At the same time, government forces intensified attacks on non-signatory parties precisely because they did not participate in the DPA. Chad and Libya continued to play a major role in the failure to manage spoilers as groups constantly crossed boundaries into these countries to escape disarmament.

Enforcement

Tasked with verifying Janjaweed neutralisation, the AU openly admitted that it could not monitor the ceasefire. Apart from such lack of capacity, legitimacy was an additional and increasing problem. Days after the AU expelled non-signatory rebel representatives from commissions monitoring the ceasefire, two peacekeepers were killed. The AU claimed that it could no longer guarantee the safety of peacekeepers because the government called them ‘terrorists’. ‘Rather than challenge the Government of Sudan and attempt to patch ceasefire agreements in Darfur, the AU effectively disowned any claim to residual neutrality and turned itself into an executive body for al-Bashir’s junta,’ a JEM statement alleged. ‘The decision effectively dismantles the Ceasefire Commission, the Joint Commission and all related ceasefire Agreements and Protocols that have been painfully negotiated in the Darfur crisis.’ (United Nations, 18 August 2006) The AU was clearly under enormous pressure. Yet the DPA did not provide for international assistance of any kind.

Khartoum strongly continues to oppose the presence of any UN force in Darfur. It described as ‘wicked and misleading’ proposals for the transfer of peacekeeping duties from the AU to the UN. It took specific offence at
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Women pass a Sudanese policeman at Kringding, a camp for internally displaced persons in El Geneina, Darfur.
the Chapter VII dimension of the proposal, which it claimed would suggest that Sudan threatened international peace and security – an allegation Khartoum viewed as baseless and offensive. Backed by the Arab league, President al-Bashir stated on several occasions that Sudan would view UN forces deployed on a Chapter VII basis as ‘forces of occupation’ and would confront such forces. Interestingly, both Vice-President Salva Kiir (SLM/A) and SLA leader Minni Minawi, now senior assistant to the president, came out publicly in support of UN deployment.

Humanitarian Aid

Despite some 14,000 aid workers in Darfur, the material conditions of roughly 500,000 victims and survivors remain dire with most of them beyond the reach of medical or food supplies. The UN reported that the humanitarian situation showed no signs of improvement after the DPA. In fact, more aid workers have died than over the previous years of conflict – most killed in IDP camps by frustrated mobs. Growing insecurity resulted in access to the local population dipping to ‘an all time low’ in August 2006. Attacks against the UN decreased by 10% mainly because its personnel no longer ventured outside towns, but attacks on NGOs were up by 75% and on AU peacekeepers by 900%. To make matters worse, the government was accused of manipulating and hindering the distribution of humanitarian aid to IDP camps.

Imported Ethnic Conflict

The Darfur crisis has often been described as an ethnic conflict between Arab and African tribes. This is indeed how Khartoum has presented it to the world. But the picture is a lot more complex than this.

Khartoum’s ‘African Backwater’

‘There has been such a long history of internal migration, mixing and intermarriage that ethnic boundaries are mostly a matter of convenience. Individuals, even whole groups, can shed one label and acquire another,’
writes de Waal. (De Waal, 2004) Farming communities routinely host nomad Arab families at a certain time of the year, offering them temporary grazing rights in return for having their lands fertilised with camel dung. Leading families often intermarry. Even skin colour is relative: everyone is black.

Darfur tribes are a prime example of cross-cutting ethnic difference with mild cultural and racial differences relativised by a shared faith. A series of events catapulted them into a political maelstrom where they ‘were summoned to declare themselves as either “Arab” or “zurqa” [black]’ and within which ‘Arabs’ suddenly acquired the connotation of being ‘progressive’ and ‘revolutionary’ and ‘blacks’ of being ‘anti-Arab’ and ‘reactionary’. (Prunier, 2005: 47)

Yet, Darfur has experienced racism. Two influences on the growth of racism in Darfur stand out: Khartoum and Gaddafi’s Libya. These forces seized upon internal developments such as the famine of the 1970s and 1980s to pit one community against another. The droughts forced certain nomadic Arab tribes south and into potential confrontation with the African farmers. Khartoum and Tripoli chose this moment to launch campaigns encouraging these tribes to see themselves as Arab.

The migratory changes in Darfur had dire results, with tribes fighting over resources that had been depleted by natural events as well as by Khartoum’s long-term systematic neglect. Landlocked and remote, Darfur did not have the kinds of resources that colonialism would reward, nor the strategic importance that would interest post-colonial authorities. The neglect suffered during British colonial rule only deepened when Khartoum urbanites, who considered Darfurians backward, took over.

A crushing famine in 1984 brought things to a head and communities turned on one another with new intensity. This turning point fundamentally altered the situation. In the more fertile south, the settled Fur expanded land under cultivation. This, in turn, cut off traditional pathways of the nomadic northerners in search of what little grazing they could find. Khartoum’s support of the nomadic Arabs in their local battles with African agriculturalists reinforced racial tensions.

The famine may have been an act of God, but the criminally negligent response to it was very much the act of a government seeking to make a point.
In 1979, Khartoum had appointed local politicians as governors in each province. Only in Darfur, considered tame and undeveloped, was an outsider appointed. Darfurians across Sudan protested and several were killed. In an effort perhaps to compensate, President Numeiri then appointed the popular Darfuri Ahmed Ibrahim Diraige. Concerned with improving the lot of Darfurians, he repeatedly warned of the impending famine. The warnings were first ignored by Khartoum and, when they could not be silenced, were simply denied. A famine does not sit well with the image of a ‘breadbasket for Arab countries’ – which is what Khartoum was trying to cultivate. When Khartoum eventually publicly acknowledged the famine, it was too late for thousands. Moreover, hopeless logistical support from Khartoum (some say wilful obstruction) saw only a fraction of aid eventually reach Darfur. The death toll was 95,000.

Local tensions were further exploited by Khartoum keen to expand control over the area. Says Prunier: ‘now that catastrophe had finally hit, the Nile Valley rulers were trying to set up two largely imagined and constructed communities against each other in order not to be seen as responsible for the neglect shown to both’. (Prunier, 2005: 58) As things got even more difficult with a second famine in 1989, racial differences were further reinforced and traditional cross-cutting relations further diminished.

An insurrection in 1991 failed dismally. It was partly instigated by John Garang to build solidarity amongst Sudan’s marginalised peoples and led by Daud Bolan, an ethnic Fur, who campaigned for equality within the Islamic brotherhood. In 2000, after a few years of relative quiet, the mysterious Black Book was published. In it Bolan was described as a martyr and the point was made that Khartoum with its seven million inhabitants was enjoying prosperity while the rest of the country was suffering gross neglect.

The publication shocked people across Sudan but specifically in Darfur where by 2003 rebellion had become a reality. Khartoum’s response was what it has always been: devastate rebellious communities via proxies. It armed Janjaweed to cleanse certain areas of African tribes. If insurgents are like ‘fish in the water in their communities’, then one option is to drain the pond. (Prunier, 2005: 103)

Clearly, the Darfur war has an ethnic component, but that ethnicity was reinforced by economic and political marginalisation, by rebellion aimed
against this marginalisation, and by government measures to suppress the uprising.

Religion is not an obvious contributing factor to the growing tensions. Yet, as early as the 1960s, the notion of ‘Islamic false consciousness’ took root in Darfur to describe Khartoum’s failure to live up to the ideals of a universal Islamic brotherhood. This was of some significance. It pointed to a growing tension within the Islamic north. Islamic radicalism later provided a small but vocal number of rebels (such as Daud Bolan and later the JEM) with the means to express political and economic grievance in religious terms and so help justify insurrection. However, religion has played a relatively modest role in pitting different ethnic groups against one another.

The Darfur Peace Agreement does not deal with external influences adequately. It does not acknowledge the importation of ethnic tension via Khartoum but rather entrusts Khartoum with the disarmament of those very proxies it uses to exacerbate ethnic tensions – a responsibility it has repeatedly failed to meet in the past and will again. This oversight virtually guarantees the DPA’s failure. Several African tribes by contrast seem to have calculated that war will benefit them more than the modest wealth and power-sharing provisions in the DPA, leading as we have seen to increased fragmentation and internal jostling within the rebel movement. The failure to take into account Khartoum’s role in politicising ethnicity in Darfur bodes ill for the future.

Playground for Regional Politics

If Khartoum fuelled ethnic tensions in Darfur to suppress insurrection against political and economic marginalisation, then Libya and Chad did so for entirely different purposes: Libya to promote a pan-Arab Sahelian Africa and Chad to counter Sudanese and Libyan aggression.

Darfur became the main fighting ground for a three-way conflict between the African regime of Hissen Habre in Chad and the Arab regimes of Gaddafi in Libya and Sadiq al-Mahdi in Sudan. During Chad’s long-running civil war, Darfur was a hideaway for Chad rebels. Gaddafi, too, developed an interest in Darfur as a springboard for his ideals of an Arab Union. His first goal was to gain control of Chad. Darfur would provide an ideal base from
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which to launch incursions. Thus, in 1972 he created the Islamic Union in Darfur, a militant, racist and pan-Arabist organisation stressing the Arab character of the state. Trained and armed Arab nomads were sent into Chad to fight its African-led government.

Gaddafi used his involvement in aid delivery to Darfur to increase Libyan influence in Darfur and eventually to take de facto control of the state, displaying blatant partiality towards Arab tribes. At the same time, Chadian rebels fighting against N’Djamena routinely attacked Fur villages in Darfur. In response, a Fur militia began to take shape during the late 1980s. The Chad border has remained porous. Today Gaddafi’s pan-Arabic ideals seem passé but the legacy of Libyan Arab supremacy lives on in Darfur. The Janjaweed are amongst those who are said to have received training in Libya.

Regional power play clearly contributed to ethnic tensions in Darfur and the supply of arms to conflicting groups. With porous borders still allowing rebels, government forces and militias to move between countries at will, disarmament is virtually impossible. Tentative efforts are underway to re-establish broken diplomatic relations between Sudan and Chad who accuse each other of supporting rebels groups. Without renewed relations, there is no hope of stability in Darfur or of implementing the peace agreement. The DPA does not take into account the regional aspect of the ethnic conflict in Darfur and consequently fails to offer a regional solution for the conflict.

Asymmetrical Negotiations

In speculating about whether the DPA will make any difference, John Prendergast remarks that ‘once a deadline was announced and attention galvanised, the mediators tilted their proposals in favor of the government because they recognised the regime’s dominant position on Darfur’s battlefield. But if the power imbalance is left unchecked, it will allow the government to continue its divide and destroy approach to dealing with opposition throughout the country – a ruthless modus operandi that has already produced two and a half million war-related Sudanese deaths since the late 1980s.’

Khartoum and the Darfur Movements (as the rebel groups are collectively
A Sudanese woman carries a bucket of water in El Sereif camp, Nyala, Southern Darfur.
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A Sudanese woman carries a bucket of water in El Sereif camp, Nyala, Southern Darfur.
known) are deeply unequal. It remains to be seen whether negotiations between them can be successful. Unless Khartoum receives substantial additional pressure, the absence of a mutually hurting stalemate remains a crucial reason why the Darfur talks are bound to fail. It is ironic that the inaccurately termed ‘Comprehensive’ Peace Agreement was the historical turning point that brought the Darfur crisis to a head. One possible reason is that it most starkly demonstrated the true extent of Darfur’s marginalisation. It also provided Khartoum with the only type of power it lacked regarding the Darfur rebels: moral high ground. It is therefore no surprise that in the month the CPA was signed, Khartoum-inspired violence against Darfur was unprecedented. The ‘Big Process’ was now underway: minor problems, such as Darfur, would be sorted out expeditiously.

The Darfur community seems to be the victim of not one, but two failed peace agreements: the DPA for reasons already discussed, and the CPA for deepening their marginalisation, both nationally and internationally. The DPA and CPA suffer from the same flaw: neither is comprehensive – each addresses Sudan’s various conflicts ‘region by region, just as the ruling party’s divide and destroy policy requires’. (Cornwell, 2004) ‘Despite having the same grievances, southerners, westerners and easterners are left to fight over scraps, while the real power in the centre remains largely intact in the hands of the ruling National Congress Party. Left unchecked, ruling party officials will continue to use militias to destabilise parts of the country prone to opposition...’ (Prendergast, 2006)

The current asymmetry of power relations between adversaries militates against any peace agreement translating into peace for Darfurians. This reality, as well as the external politicisation of ethnicity and inadequate compliance, has resulted in a superficial peace agreement.

CONCLUSION: DIPLOMACY OR CHAPTER VII?

Short of more drastic measures, the international community possesses three ‘tools of accountability’: International Criminal Court (ICC) indictments, targeted UN sanctions and divestment.

In March 2005, the United Nations Security Council (UNSC) referred Darfur crimes for investigation and possible prosecution to the ICC. Yet
Sudan owes the court no cooperation since it is not a party to the court’s statute. Khartoum has effectively denounced the US declaration of ‘genocide’ in Darfur as ‘a cynical use of a new toll to legitimise US interventionism and demonise Arabs’. (De Waal, Briefing, 2005: 133)

At the time of writing, overstretched AU peacekeeping forces lack the capacity to perform the basic demands of the DPA.

Khartoum calculated that its efforts to make the CPA work would dissuade the international community from acting resolutely against its Darfur campaigns. Initially, this appeared to work, but the scale of human tragedy seems to be affecting international resolve. Ironically, the new Government of National Unity may find itself increasingly isolated unless it submits the Darfur peacemaking process to international verification and enforcement.

Khartoum’s main arguments against a Chapter VII intervention are that Darfur is a domestic problem and Khartoum is not a threat to world peace. Strong evidence against these claims and in support of interventions is: the presence of Sudan forces in Chad and the growing consensus that gross human rights violations also merit Chapter VII interventions.

It took the UNSC four years to introduce sanctions against Khartoum and then only against four individuals. China remains the main extractor of oil in Sudan and has consistently threatened to weaken or delay any action the UNSC may contemplate against Khartoum. Equally, Russia is no enthusiastic supporter of firm action against Khartoum, possibly for fear that similar rules might be applied to its own scorched-earth policy in the Chechens.

On 31 August 2006, after years of dithering, a breakthrough seemed imminent. The Security Council adopted a resolution calling for gradual transition from the African Union to a robust UN force with all means necessary to protect civilians. Yet the plan to deploy 17,500 UN troops and 3,300 civilian police on Sudanese soil was always contingent on Khartoum’s consent, which was forcefully denied.

The result has been a deeply embarrassing impasse – with the UN effectively forced to back down. Instead, it fostered a series of negotiations between Western countries and the so-called African Group, led by Algeria, on what approach to take next.

The DPA has become part of a frozen conflict where woeful implementation is the norm; where underlying currents of ethnic rivalry (nationally and
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regionally) are not addressed; and where the fundamentally asymmetrical relation between Khartoum and the rebels continues to tilt the balance in Khartoum’s direction, causing a proliferation of spoilers.

The ‘way out’ is not clear. If saving lives is the aim in Darfur, political pressure on Khartoum by the UN and the AU, shrewd deal-making with remaining rebel groups and effective protection on the ground are vital. These ambitious goals will require a mix of negotiation and coercion.

The war may have increased rebel leverage, but it has not dented Khartoum’s power and status enough to make a real difference. There is no stalemate (yet) amongst the fighting groups. In fact, with two million African Darfuris displaced, Khartoum may consider its campaign successful. At the same time, rebel groups find themselves thrust into the limelight as serious actors in the region. The longer they fight, the more this leverage seems to grow. They will not relinquish this spotlight meekly, at least not unless peace translates into more tangible benefits, as it did for the only rebel signatory of the DPA, Minni Minawi, who now occupies a prominent government post.

The shattered Darfur community is in desperate need of rebuilding. Yet, given national and regional marginalisation and ongoing destabilisation, as well as severely skewed power relations, the UN will first need to embark on an ambitious mission to limit destruction until such time that a more just peace can be negotiated. To this end, negotiation and force will be necessary – and large quantities of political will.
The situation in Darfur, Sudan’s westernmost province, has featured prominently in international headlines since February 2003 when violent clashes escalated into full-scale civil war. Complex in its contours, baffling in its acronyms, and alarming in its prognosis, Darfur is among the most serious humanitarian crises in the world today. According to a statement by the United Nations Secretary General on 11 September 2006, the total number of internally displaced persons in Darfur is currently 1.9 million, while an estimated 400,000 have died as a result of the conflict, half of those violently. There is strong evidence of genocidal intent behind the killing, ‘ethnic cleansing’, raping and looting.

There is irony in the fact of writing a scholarly account of the human tragedy unfolding in Darfur, for scholarship seems to be the last thing the region needs. Rather than slow, careful reflection and analysis, the victims of a genocidal campaign need protection, humanitarian assistance and ultimately justice. Scholars do not provide any of these. It is also true, though, that those more accustomed to dealing with the urgency of crises such as Darfur’s, including diplomats, humanitarian aid agencies, journalists and human rights activists, cannot always afford the luxury of in-depth understanding of historical and cultural contexts, a fine-grained sense of how individuals (not just groups) view and experience events, or
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comparative perspectives from other analogous events. (Ehrenreich, 1998) So, however callous or ineffectual it feels to contemplate events that are causing pain and destruction to so many people, there may be room, even need, for careful study alongside committed action. It is our hope that the former might even inform the latter, as the political pressure to intervene on behalf of the victims mounts.

One of the reasons why the international community has been slow to respond decisively to the Darfur genocide has to do with the nature of genocide itself. Known to the world as the ultimate crime against humanity, but existing in its modern form since the beginning of the 20th century, genocide tends to be conceptualised as an event rather than a process. As a result, it is easier to recognise in retrospect when there are body counts, categories of victims and categories of perpetrators. After all, we prefer to think of heads of state and senior policy officials as reasonable, humane leaders, not people who would permit, or actively seek, the elimination of whole segments of their population. We fall prey to the myth of what Anderson calls ‘the goodness of nations’ and do not expect the state to be an arena of mass murder. The banality of this particular form of evil evades us and leaves us in denial until it is too late.

However, the world has changed since the Herero genocide of 1904 and major strides have been made in establishing the legal mechanisms to prosecute, if not quite prevent, state-sponsored mass murder. In the aftermath of the genocides in Yugoslavia and Rwanda in the 1990s, the United Nations (UN) set up international criminal tribunals to try the perpetrators. In 1998, the Ad Hoc International Criminal Tribunal for Rwanda returned the first ever conviction on the crime of genocide in an international court. Almost 30 years after the Cambodian genocide, a special tribunal is being set up to seek some measure of post-hoc justice in that country. The International Criminal Court (ICC), established to try perpetrators of genocide and other serious crimes against humanity, came into force in 2002 and now has 100 signatories. In 2004, the UN Secretary General announced the appointment of the first UN Special Advisor on the Prevention of Genocide. And in September 2005, the UN declaration of a ‘responsibility to protect’ established the potential for military intervention in the case of ‘national authorities manifestly failing to protect their populations from genocide,
war crimes, ethnic cleansing and crimes against humanity’. (UN Secretary General Report, 2005)

These advances in international human rights law and the establishment of institutions to hold perpetrators accountable makes the failure to halt the destruction in Darfur that much more inexplicable and unacceptable. An attempt at a political solution – the Darfur Peace Agreement (DPA) – was brokered in 2005, but is now considered ‘all but dead’. (International Crisis Group, 2006) The Government of Sudan continues to pursue a military solution in plain view of an international community that strongly condemns this approach. While the full range of options aimed at stemming the violence has not been exhausted, a sense of futility pervades the crisis. Policymakers need to continue their efforts to resolve the conflict in Darfur.

BACKGROUND TO SOCIAL AND ECONOMIC DIVISIONS IN DARFUR

The parties to the Darfur conflict are not easily categorised in terms of race, religion, ethnicity or nationality. Some understanding of the history of the region and the migrations that have taken place there is required in order to appreciate the range of groups involved in the conflict. There are an estimated 80 ethnic groups (often referred to as tribes) in Darfur. One of the principal divisions among these groups relates to their primary livelihood, namely, sedentary farmers and semi-nomadic pastoralists. This division overlaps to a large extent with the division between non-Arab tribes (who tend to rely on agriculture) and Arab tribes (who rely more heavily on cattle and camel keeping). Historically, Arabs from the north of Sudan are known as Bedouin Arabs, a group that can be subdivided into the Ta’isha, the Rizeigat, the Habbaniya and the Beni Halba. The Arab tribes who moved south in search of better grazing lands changed from being camel herders to being semi-nomadic cattle herders. They later mixed with Fula-speaking tribes and formed the Baggara. The Baggara or Darfuri Arabs now make up the majority of the militia groups known as the Janjaweed.

The Fulani Empire, stretching from Senegal to Sudan, was responsible for introducing Islam to many parts of northern Africa through a series of
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jihadis in the early 19th century. Traditionally, the Fula people are semi-nomadic, light-skinned, with thinner lips and straighter hair than their African counterparts. Their ancestors are mainly located in northern Sudan and the Blue Nile and Kordofan regions.

The Arab tribes that came to Sudan with the spread of Islam became a ruling merchant class and were responsible for the introduction of slavery in Sudan’s feudally based economy. Many African slaves were captured and sold either within Sudan or in the Middle East. The southern parts of Sudan that were not yet penetrated by Arabs and Islam became arenas of much hostility, especially from the ranks of the non-Arab/African tribes. European anti-slavery policies put an end to the slave trade, which also put an end to Sudan’s booming economy. This economic shift helped give rise to the Mahdist forces, whose followers (Ansars) are still active in the Umma Party.

African tribes make up more than 40% of the regional population, which is estimated at around four million. Darfur’s indigenous ethnic groupings can be divided into three main groups: the Fur, the Massaleit and the Zaghawa who, although not considered Arab (a racial distinction), are overwhelmingly Muslim.

The Fur people of the Jebel Marra Mountains established the first Sultanate in Sudan (the Keira Dynasty in the late 14th century) and were also the first to establish Islam as an official religion in the region. They ruled Dar Fur (literally ‘the land of the Fur’) until they were conquered by a Turko–Egyptian force in the 1820s. Those individuals from the Fur tribe who remained among the remnants of the once great empire settled as agriculturalists on the richest soil in western Sudan. Today the Fur still occupy the central parts of the Darfur region, including the Jebel Marra massif, the area with the richest soil and the best water resources.

The Massaleit are the original inhabitants of Dar Massaleit, which they now share with various Arab tribes who, like the Massaleit, are camel nomads. In 1999, a government-sponsored peace agreement between the Massaleit and the Arab tribes in Dar Massaleit was signed, but violent conflict between the two groups continued unabated.

The Zaghawa are historically Nilo-Saharan semi-nomadic pastoralists who depend on stock keeping, gathering, agriculture, hunting and trade.
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Smaller non-Arab tribes found in Darfur today include the Tunjur (who ruled before the Sultanate), the Berti (another Nilo-Saharan group) and two groups of Nubian-speaking farmers (northern Sudan is known as Nubia), the Birged and the Meidob.

Although people in Darfur are often principally identified according to tribal affiliation, the 1995 Minority Rights Group Report on the Peoples of Darfur states: ‘Ethnicity is not in itself clear-cut, given the long history of racial mixing between indigenous non-Arab peoples and the Arabs, who are now distinguished by cultural-linguistic attachment rather than race.’ Kevane notes: ‘In Darfur and other marginalised areas of Sudan, an Arab was anyone tracing lineage to Nile Valley Sudan, identifying with the traditional prerogatives of the Nile Valley Elite, and placing alternative, local identities in second order place underneath the Arab rubric.’ (Kevane, 2004) Whether determined along racial or cultural-linguistic lines, the distinction between Arab and non-Arab in Darfur is a deeply politicised one that animates local and international understandings of the current violence, even as it obscures other root causes.

POLITICAL PARTIES AND ARMED FORCES

Having only recently emerged from its 22-year-long civil war, Sudan is replete with opposition parties, rebel groups and various armed factions. With every major change (coup, peace agreement) allegiances shift, parties split and names change, resulting in a dizzying array of acronyms and aliases.

In the current Darfur context it is most useful to understand the range of political groups with reference to the Darfur Peace Agreement signed in Abuja on 5 May 2006. Regardless of its success or failure as an instrument of power and wealth-sharing, the DPA now serves as the major political dividing line in the region. It provides for:

- the disarmament of the Janjaweed militias;
- the incorporation of rebel fighters into the army;
- a once-off transfer of US$300 million to Darfur;
- annual payments of US$200 million every year thereafter;
- compensation for those forced to flee their homes; and
The Government of Sudan (GoS) is based in the capital Khartoum. It is dominated by the National Congress Party (NCP), previously known as the National Islamic Front (NIF), and is an Islamist regime with a policy of full ‘Islamisation’ for Sudan. The head of state, President Omar Hasan Ahmad al-Bashir, took power by coup in 1989 and has adopted a particularly intransigent line on the involvement of the international community in resolving the Darfur crisis. The GoS is a signatory to the DPA.

The Sudan Liberation Army (SLA), known up until 2003 as the Darfur Liberation Front (DLF), is a Darfuri rebel group and a member of the National Democratic Alliance (NDA). This group is generally associated with the Fur and Massaleit tribes and the Wagi clan of the Zaghawa tribe, and was the largest rebel group until early 2006. Their stated aim was to liberate non-Arabs from Arab domination and to press for greater power and wealth-sharing for the impoverished region of Darfur. The SLA split into two factions when Minni Minawi (previously leader of the SLA) signed the DPA in May 2006, the only rebel group to do so. The split in the SLA occurred along tribal lines, with the Fur faction (the smaller of the two forces, but with a larger support base) led by Abdel Wahid Mohammed Nour on the one side and the Zaghawa faction (with a larger share of both the fighters and the weapons) led by Minni Minawi on the other. The Minawi faction is now referred to as the SLA/MM and Minawi is the senior presidential assistant and head of the provisional authority in Darfur State.

Because the DPA has led neither to a cessation of hostilities in Darfur, nor to increased security for its people, Minawi’s followers have grown frustrated with the situation and have threatened to break away and choose a new leader.

The Justice and Equality Movement (JEM), another major rebel group, used to be a faction of the SLA. There have been several reports that this group is now being controlled by Hassan al-Turabi who used to be the civilian leader of one of the two factions that made up the National Islamic Front (NIF) before President al-Bashir took control in a faction fight. Turabi was arrested after he and several other officials signed an agreement with the Sudan People’s Liberation Army (SPLA). The JEM refused to sign the DPA.
and has recently joined forces with the non-signing faction of the SLA to form the National Redemption Front (NRF).

The NRF is an umbrella body made up of the groups that refused to sign the Darfur Peace Agreement: the JEM, the Sudan Federal Democratic Alliance (SFDA) and the dissident SLA faction. The NRF rebels signed a declaration in June 2006 to keep fighting for the rights of non-Arabs. The declaration was signed by Dr Khalil Ibrahim (JEM leader and previous NIF leader), Khamis Abdalla Abaka (the dissident SLA faction’s new leader) and two representatives of the SFDA, Sharif Harir and Ahmed Ibrahim Diraige (former Darfur governor and also chairman of the new movement). The NRF has accused the GoS of oppressing non-Arabs and favouring Arabs since 2003. Government representatives accuse the NRF of ‘working to derail the DPA’. In September 2006, the JEM split from the NRF and started to mobilise its military forces once more.

The Janjaweed militia are paramilitary groups known for raiding civilian villages on horseback. Janjaweed come mainly from the Baggara tribe but are also recruited from other Arab tribes in both Darfur and Chad. The Janjaweed militias have perpetrated the majority of the human rights abuses documented in the Darfur conflict. Early in the conflict, the government suffered several defeats at the hands of the rebel groups. (Sources say that during the middle months of 2003 the rebels were victorious in 34 out of 38 engagements with government forces.) It was around this time that the government changed tactics and the Janjaweed became central to the counter-insurgency effort. Armed by the GoS, backed by aerial bombardments and with aerial reconnaissance to help them determine which villages to raid, the Janjaweed have been given license to strike with impunity at their traditional rivals in the Fur, Zaghawa and Massaleit tribes (sedentary farmers). The Janjaweed have driven over a million people from their homes, weakening the non-Arab rebel groups by depriving them of their support bases through ‘ethnic cleansing’. One of the main provisions of the DPA is for the disarmament of the Janjaweed. To date this has not happened.
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OUTLINE OF THE CONFLICT

Darfur covers an area of 200,000 square miles, comparable to the size of France. Sudan has good agricultural potential and plentiful water, and it contains one of the world’s largest oil reserves that is yet to be exploited. It also has many other natural resources such as natural gas and minerals. The presence of these resources has attracted international business interests from the United States, Russia and China, among others.

Darfur itself does not have oil or other important resources. This, together with a range of historical, political and environmental factors, has led to high levels of structural inequality between the centre (Khartoum) and the periphery (areas such as Darfur). These inequalities have fuelled the Darfur conflict in important ways.

Key points in Darfur’s history include the year 1916, when the British officially annexed the region to Sudan. Previously, Darfur had been an autonomous entity under the Anglo-Egyptian condominium. The Arab inhabitants of Khartoum and the Blue Nile region had always received the bulk of British investment, however, and when they eventually came to power, they merely continued the pattern of both economic and political marginalisation of the rest of the country. Sudan gained the right to self-government in 1953 and became an independent state with a provisional constitution under the Arab-led Khartoum government in 1956. At this stage, the civil war (1955–1972) had already started between the south and the north. Arab Muslims viewed Sudan as a Muslim Arab state and by 1968 the implementation of an Islamic-oriented constitution was underway.

In 1972, Sudan’s agricultural sector realigned its internal consumption to being a more ‘pro-West’ industry focused on mechanised export. Mechanising agriculture led to increased government expenditure and commodity prices fell, leading Sudan closer and closer to economic devastation. Sedentary farmers bore the brunt of these changes and the final blow came with the implementation of the International Monetary Fund’s structural adjustment programme, which put even more focus on mechanising the agricultural sector for increased export.

Civil war broke out once more in 1983 when the Khartoum government attempted to institutionalise Islamic law. Control of the government changed
hands several times until 1989 when the current NIF/NCP took control in another military coup, bringing the current president, Omar Hasan Ahmad al-Bashir, to power.

Since the early 1980s, drought and crop failure have given rise to increased competition for land. Between 1983 and 1984, 95,000 people died in Darfur from famine and curable diseases. The government has been accused of neglecting to act on warnings of famine.

The most sought after land is the area occupied by the Fur, situated in the Jebel Marra region, which has been the scene of much violence not only between nomads and farmers, but also on the part of the government against civilians. One such fight took place on 22 April 2002 when the Janjaweed raided three villages in this area, killing villagers and burning down houses. (Darfur Monitoring Group, 2002)

Previous conflicts between nomads, farmers and the government started between 1983 and 1987 when the Zaghawa and a few Arab groups, all nomads, moved towards Fur land either for grazing or to settle in the area. The Fur were not prepared to share their land (or land in the nearby vicinity used for foraging) and the local army and the police were unleashed on ‘illegal’ settlements, killing many Zaghawa civilians and prominent tribesmen. The local government needed very little persuasion to remove the Zaghawa from land they were illegally settled on, as on several prior occasions they had been accused of stealing livestock.

In 1987, 27 Arab nomad tribes formed an alliance and declared war on the non-Arab/black tribes in the region. According to Arab herders, these farming tribes were blocking traditional migration routes used by them, thus causing their animals to starve. The Fur were specific targets in this war over access to land. As a result, they armed themselves and formed militias and political alliances (with the SPLA) in an attempt at self-defence.

War over land soon turned into an ethnic-cleansing campaign. From 1988–1990, 13 local Arab tribes killed more than 3,000 Fur, according to the Darfur Monitoring Group. By 1989, 40,000 Fur homes had been destroyed and their inhabitants displaced. Reports put Fur deaths during this struggle at an estimated 5,000 and Arab deaths at about 400. Government interference exacerbated the conflict. Instead of promoting equitable distribution of resources, government forces aligned themselves with Arab
militias and attacked both non-Arab rebels and civilians.

The Massaleit also suffered clashes with Arab tribes over the question of land. In 2000, Massaleit land was allocated to new Arab arrivals in the region. The Massaleit were effectively forced from their land and the conflict cost the lives of many people, along with their livestock. Survivors of these clashes are now living as refugees in neighbouring countries or as internally displaced persons (IDPs) in Darfur.

Although the Darfur conflict is often said to have begun in February of 2003, the above accounts show that the violence started much earlier than this. Even before 2003, the Government of Sudan was fomenting conflict between various groups in Darfur where tensions were already high as a result of environmental and economic factors. The targets of ethnic cleansing have been the Fur, the Massaleit and the Zaghawa. On 21 July 2001, Fur and Zaghawa fighters joined forces at Abu Gamra.

Several successful rebel attacks on army garrisons in Darfur intensified the conflict in 2002 and 2003. On 26 February 2003, the Darfur Liberation Front (thereafter known as the SLA) launched an attack on the GoS headquarters in the Jebel Marra district. On 25 April 2003, joint SLA–JEM forces raided
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the government garrison in Darfur’s capital, El Fasher, killing government soldiers and destroying government artillery. This attack is seen as a turning point. The government responded by ‘unleashing the Janjaweed’ on non-Arab settlements and by early 2004 several thousand were dead and a million more were displaced. All 23 Fur villages in the Shattaya Administrative Unit were ‘depopulated, looted, and burnt to the ground’. (Wikipedia, 2006)

Although attempts to reach a political solution have been ongoing since 2004, none of the various ceasefire agreements has ‘stuck’ and the violence has continued, intensifying since July and August 2006.

Despite the dimensions of the humanitarian crisis in Darfur, where millions are displaced without food, shelter, water or adequate protection, aid organisations have been forced to consider leaving after repeated attacks on their personnel since July 2006. Dr Raymond Brown, Counsellor for Political Affairs at the Embassy of the United States of America, commented in Pretoria that at least 12 aid workers had died in Darfur in the two-month period from mid-August to mid-October 2006.

After the signing of the Darfur Peace Agreement, the SLA/MM joined forces with the government. Whereas these rebels had previously worked to
protect civilians from the army, they are now responsible for inflicting the same type of terror in their raids and massacres as the Janjaweed militias. Left with the smaller fighting force, the Fur have borne the brunt of the combined attacks of the Janjaweed and other forces aligned with the GoS. This rift within the SLA has obvious political benefits for the Khartoum government as it pursues a ‘divide and rule’ strategy to combat political opposition.

A recent interview by a humanitarian worker with an IDP in South Darfur revealed that Arab tribes had issued warnings to non-Arab tribes to evacuate the area or be killed. At a subsequent meeting, according to the IDP, seven Arab tribes met to discuss how to chase non-Arab tribes out of the region. The plan is to be implemented in two phases: emptying the villages (completed) and then occupying them. The informant alleged that a high-level delegation from political and administrative levels of the GoS attended this meeting. (AMIS, 2006)

According to the latest statistics reported in various media, more than 200,000 people have died violently and 1.9 million (primarily from the Fur, Zaghawa and Massaleit tribes) have been driven from their homes in Darfur. About 2,000 villages have been destroyed and an estimated 400,000 people have died in total since 2003. Those who are still alive (predominantly women and children) live in fear and suffer atrocities on a daily basis. Reports of sexual violence are on the rise. Non-Arab males are killed on the spot in many cases, leaving the female population increasingly vulnerable to attacks from Arab militias and government forces.

The humanitarian situation inside the IDP camps is not much better than outside them. The AU daily site reports show that displaced persons have little shelter and many are in need of food, medicine, mosquito nets, insecticide, soap, blankets and mattresses. No sanitation facilities are available and all basic services are located away from the camp, including water, firewood and basic foodstuffs. Armed groups operate within and along the perimeters of the camps. In addition, IDPs are denied healthcare and are intimidated if they accept any help from the African Union Mission in Sudan (AMIS) or other humanitarian groups. An estimated seven to nine deaths occur daily and five to seven of these deaths are of children younger than five years. A UN report states that most individuals die from complications due to malnutrition.

IDPs refuse to return home to villages that are completely destroyed.
Even going to harvest crops exposes them to the possibility of rape and death, so most prefer to stay in, or close to, the camps. According to the UN Inter-Agency Fact Finding and Rapid Assessment Mission in Kailek town in South Darfur: ‘There is nothing left to harvest in case of return and all the destroyed villages inspected need to be wholly rebuilt if they are again to serve as homes.’ Recent reports of child abduction only add to civilian fears. The conclusion drawn by the UN mission is that there has been a ‘longstanding prevention of access to food, [and that this] alludes to a strategy of systematic and deliberate starvation being enforced by the GoS and its security forces on the ground’. (UN Inter-Agency Fact Finding and Rapid Assessment Mission, 2004)

INTERNATIONAL RESPONSES

Peacekeepers operating under the auspices of the AU were deployed in July 2004 for the specific purpose of monitoring the Chadian-brokered ceasefire agreement signed in April 2004. Made up initially of a few hundred Rwandan and Nigerian soldiers, the force now known as the African Union Mission in Sudan presently has a contingent of about 7,000 soldiers, civilian police, humanitarian officers and other officials in Darfur. The force is small, poorly organised and has limited resources. As a result, violations of the ceasefire agreement occur on a regular basis. Observers both inside and outside AMIS agree that the force does not have adequate capacity to enforce the provisions of the DPA or to provide security for the millions of IDPs in Darfur.

Proposals to allow the United Nations to enhance or replace AMIS were hotly debated in 2006. UN Security Council Resolution 1706 (31 August 2006) extends to Darfur the mandate of the existing UN Mission in Sudan (UNMIS), a 10,000-person force that is currently monitoring the north–south Comprehensive Peace Agreement in southern Sudan. The AU signalled its willingness to hand over its mandate to the UN in January 2006. The US government is strongly in favour of this proposal.

The National Congress Party (NCP), however, has rejected this proposal repeatedly. Other parties within the Government of National Unity, such as the SPLA and the SLA/MM, are in favour of an expanded UNMIS.
but analysts argue that the NCP fears losing its grip on the Darfur region and may also fear the prospect of having its members indicted by the ICC. According to President Omar al-Bashir, Sudan has its own peace plan and its own court – the ‘Special Criminal Court on Abuses in Darfur’ – to handle the internal situation. He has said that attempts by the international community to intervene will be treated as colonialist endeavours (Rubin, 2006) and that Darfur will become a graveyard for Western troops if the UN sets foot on Sudanese soil. (Polgreen & Brinkley, 2006) In October 2006, the Sudanese Ambassador in Pretoria, Huol Alor, remarked to a group at Pretoria University that Resolution 1706 is ‘tantamount to having a mandate system, a sort of trusteeship, on the Sudan. The Government of Sudan has objected outright to this resolution, and it was done with national legislation.’

On 1 September 2006, AMIS officials reported that a major offensive had been launched by the GoS in Darfur. Three days later, AMIS was asked to withdraw its force by the end of September unless it accepted Arab league and Sudanese government funding. Despite all this rhetoric, on 7 October 2006, the GoS accepted the offer of UN support for AMIS. It is unclear whether this amounts to backing down or stalling for time on the part of the GoS.
The ICC has already started investigating Sudanese officials and those allegedly responsible for crimes against humanity. According to recent reports, the ICC has enough evidence of killing, rape and destruction in Darfur to warrant bringing suspects to trial.

GENOCIDE IN DARFUR?

The Convention on the Prevention and Punishment of the Crime of Genocide (1948) outlaws genocide, which is defined in Article 2 as:

- any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
  a) Killing members of the group;
  b) Causing serious bodily or mental harm to members of the group;
  c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
  d) Imposing measures intended to prevent births within the group;
  e) Forcibly transferring children of the group to another group.

(Wikipedia, 2006)

While almost all of the ‘acts’ listed above have been perpetrated against non-Arab peoples in Darfur over the past three to five years, the concept of ‘intent’ has led to misplaced controversy over calling the Darfur conflict a genocide. A UN report released in January 2005 stated that despite the occurrence of mass murders and rapes ‘genocidal intent appears to be missing’ in the Darfur situation. In terms of the definition, what is required is ‘intent to destroy’ a protected group in whole or in part. The confusion arises not because there is a lack of evidence that non-Arabs are being murdered, displaced and persecuted as non-Arabs. Rather, it is the complex array of objectives motivating the different perpetrator groups that causes us to question genocidal intent.

In light of the fact that all parties to the conflict are Muslim, the Islamist agenda of the NCP cannot be considered genocidal in the religious sense. Yet the intent to destroy ethnic groups remains clear – the perpetrators have
committed the requisite acts and have intentionally and consciously desired the destruction of the group(s) in whole or in part – the motive is irrelevant. To the extent that there are issues over wealth and power-sharing between Khartoum and the peripheral regions, the violence looks like a political and economic conflict best understood in class or regional terms. The contests over land and water that have given rise to bloody rivalries between pastoralists and farmers in Darfur puts the conflict in yet another – non-genocidal – light.

Nevertheless, the crime of genocide does not need to stand on its own to be considered a crime. It can be a means to an end – as in the scenario where racism towards non-Arab Muslims is a convenient reality to be exploited by the central government. Local Arab tribes who espouse a historically constructed and virulent form of racially based chauvinism towards non-Arabs can be manipulated by the government in the effort to divide and rule, or simply annihilate, political opponents. The ultimate goal of maintaining and consolidating power does not rule out genocide as a means to that end.

CONCLUSION

Among international observers, there is some consensus that, however difficult, a political solution to the Darfur conflict is the only path to a sustainable peace. The military solution being pursued by Khartoum is taking an unconscionable toll on the region, and is based on racism and greed rather than fairness and respect for life. The international community must not be daunted by the flawed DPA, the untested UN Resolution 1706 and the under-resourced AMIS. The Darfur conflict is a crucial test case for the newly empowered African Union and the goals of the New Partnership for Africa’s Development (NEPAD).

As a symbol of the substance (or hollowness) of the African Renaissance and as a reality check for all those who like President George Bush have declared ‘Not on my watch’ with regard to 21st century genocide, Darfur awaits the world’s resolve. Might we one day be able to write of Darfuri non-Arab tribes as Kiernan has of the Cambodian Chams: ‘That the genocide was interrupted does not invalidate the term. But it does mean that the Chams survived.’ The history of the Darfur genocide is being written while we wait.
There is no ‘one size fits all’ answer to post-conflict societal challenges. Not only must transitional justice mechanisms be moulded to adjust to the needs and priorities for healing of the society, it is also essential that the cultural and socio-economic context be considered in the design. Transitional justice projects around the world have shown that the timing of interventions is key, as is inclusion of, engagement with and acceptance by all the parties involved. The fundamental question is: What needs to be addressed in order for Sudan to move forward into peace?

In Sudan there are currently two central obstacles to implementing any kind of transitional justice project – the absence of real, solid peace and the lack of a unified leadership seeking political reconciliation. Perhaps this is where transitional justice activities need to start. Whilst it may be too soon to consider retributive justice, truth or reconciliation commissions, or national reconciliation activities, it may be useful to address the process of achieving sustainable peace and helping leaders at all levels to understand the importance of political reconciliation.

Firstly, it is premature to consider Sudan as at peace – even in terms of the north–south conflict. Such a conclusion disregards the precarious environment and very real causal issues that have not been addressed. The
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north–south conflict is controlled by a six-year ceasefire, the Darfur Peace Agreement (DPA) is failing and whilst it is hoped that the East Sudan Peace Agreement (ESPA) will hold, it is too early to predict. Clearly, full peace has yet to be achieved and there is insufficient political reconciliation between the leaders to support a national transitional justice process. Engaging the whole country around the underlying questions of national identity, and power and wealth-sharing is central in smoothing a path to sustainable peace and reconciliation in Sudan.

Secondly, the leadership in the Government of National Unity (GoNU) do not enjoy support from all corners of the country and, to a large measure, their authority is imposed. Sudanese political culture has tended towards policies of ‘divide and rule’ and ‘swallow or exclude’. Clans, groups or religious identities are politicised to create competition or strife between groups rather than against authority. In an environment where those who are not allied are excluded, groups draw others into allegiance to prevent real opposition or debate. Political reconciliation has not yet followed the three peace agreements and, without a united central structure, following any path to peace is hazardous.

PATHWAYS TO JUSTICE AND RECONCILIATION

The Comprehensive Peace Agreement (CPA), the DPA and the ESPA frame the political arrangements and relationships within Sudan and will guide the paths to peace. But, to what extent do these deals address the socio-politico-economic issues needed to support peace in this region?

Justice and Reconciliation within the Comprehensive Peace Agreement

The CPA forms the roadmap for peace between the north and south. It outlines the new relationship in terms of governing structures, wealth, rights, powers, security and territory. In the preamble, there is an acknowledgement of ‘historical injustices and inequalities in development between different regions of Sudan that need to be redressed’. Further, there is an agreement
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to the principle of ‘find[ing] a comprehensive solution that addresses the economic and social deterioration of Sudan and replaces war not just with peace, but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people’. (CPA, 1.5.2 Machakos Protocol)

The wealth-sharing agreement of the CPA provides a measure of economic justice, solidifying agreement that ‘the southern areas and those areas in need of construction and reconstruction will be brought to the same average level of socio-economic and public services standard as the northern States’. (CPA, 1.7 Power-Sharing Agreement) It establishes that the Southern Sudan Reconstruction and Development Fund (SSRDF) will be initiated to facilitate external donor funding to assist with rebuilding. The most significant area of revenue sharing lies with the agreement to share the profits of the oilfields in the south. Many argue that this is not adequate, particularly in view of suspicions that the Government of Sudan (GoS) continues to manipulate this by redrawing boundaries, hiding profits and not complying with the agreement. Yet this is indeed a significant beginning.

In the implementation modalities described later in the peace agreement, a ‘national reconciliation and healing process’ – abbreviated to NRHP – is to be implemented after the adoption of the National Constitution, executed by the presidency, funded by the GoNU and to take place across the whole of Sudan. Yet outside of the references to resource imbalances, the CPA does not refer to the human rights abuses, atrocities or killing that occurred during the war – or to the need for transitional justice mechanisms that will facilitate accountability, end impunity or assist the victims to move into the new society.

During negotiations, both the National Congress Party (NCP) and the Sudan People’s Liberation Movement (SPLM) were eager to include an amnesty for war crimes and gross human rights abuses that may have occurred during the war within the CPA, thereby extending the existing criminal law provisions. Although international observers dissuaded them from taking this step, no methods of facilitating accountability, justice or reconciliation are included in the peace agreement. Both parties are required to support peace-building activities such as the demobilisation and reintegration of security forces. Peace-building initiatives are further supported by the permanent ceasefire and security arrangements implementation modalities.
and appendices signed on 31 December 2004. It is also worth noting that nothing in the CPA prevents the current governments in Sudan from instituting transitional justice programmes, using the Sudanese criminal justice system, or including a vetting process when the two forces combine as the Joint Integrated Units.

Many of the commissions linked to the GoNU have been caught up in political manipulation from both parties. However, the Government of Southern Sudan (GoSS) has been able to appoint its own Human Rights Commission, Disarmament, Demobilisation and Reintegration Commission and Peace Commission. The Southern Sudan Peace Commission’s (SSPC) assignment is the ‘reconciliation of all armed and political groups and communities involved in various forms of conflict’. (SPD-PCS: 16) Its main objectives are ‘to facilitate amicable and permanent resolution to conflicts through traditional and other methods involving conflict management and resolution e.g. through committee, workshops, seminars, conferences, retreats and all methods of media and communication at all levels’.

In the Strategic Plan for Peace and Reconciliation (SPD-PCS) Plan of Action, the Peace Commission’s immediate focus is to facilitate ‘dialogue and consensus building’ by integrating armed groups and political groups into the Sudan People’s Liberation Movement/Army (SPLM/A) and building effective working relationships with civil society that may facilitate accountability on both sides. ‘Once all the above stake holders have gently been brought on board the reconciliation boat, it is the Sudan Peace and Reconciliation Commission’s (SPRC) aim to extend the dialogue to northern Sudan, and farther to the rest of Sudan, in the long term. This will also include Dialogue with the Media during that period’. (SPD-PCS: 19)

By encouraging militias to join the SPLA, the SSPC is embracing the concept of amnesty for war crimes. This is a concern. In discussing the integration of militia soldiers, the SPD-PCS states: first, they need to be absorbed in the south as they are, rank and all; second, they need general acceptance by all stakeholders in the south irrespective of their past/crimes; third, they need to be rehabilitated; and, finally, they need to be reintegrated into society at different functional levels.

To some extent, the CPA acknowledges the socio-economic and political injustices in Sudan and begins to address these. Although the need for
Justice and Reconciliation within the Darfur Peace Agreement

When the GoS and the Sudan Liberation Army/Minni Minawi (SLA/MM) signed the DPA in May 2006, commentators warned that it would be difficult to implement. Signed by only one of the three militias fighting the government in Darfur, the ceasefire offers insufficient provision to force the GoS to disarm the Janjaweed. Moreover, the agreement requires too much of an already stretched African Union Mission in Sudan (AMIS) and focuses on short-term gains for the militias rather than long-term regional development. With interlinking components reliant on the completion of agreements in related phases, the 115-page document was in trouble before it left the printer.

The key areas of the agreement cover power-sharing, wealth-sharing, comprehensive ceasefire and final security arrangements, as well as the Darfur–Darfur dialogue and consultation and implementation mechanisms. It places Darfur leaders in the new positions of an assistant to the president and a presidential advisor and allows for the restructuring of government in Darfur, grants from central government to Darfur and compensation to war victims.

The agreements relating to a cessation of hostilities have failed. The United Nation’s (UN) September 2006 DPA Monitor starts with:

September witnessed a build-up of tensions between the DPA parties and an escalation of violence due to a resumption of hostilities between signatories and non-signatories and a significant increase in militia attacks.

Contrary to the CPA, the DPA introduces transitional justice mechanisms of restitution, land restitution, compensation, dialogue and a reconciliation commission. One of the underlying principles of the DPA involves economic justice. The agreement states that it will promote equitable distribution using reconciliation was raised, the proposal to address this does not meet with Sudan’s needs for securing peace; neither does the CPA engage with the atrocities of the war or suggest support for the victims.
an affirmative action policy and indicates that poverty within Sudan is broader than just within Darfur and needs to be engaged using a ‘National Poverty Eradication Policy’. A Joint Assessment Mission (JAM) involving the UN, the World Bank and other stakeholders was tasked with assessing the needs of Darfur and developing recommendations to guide poverty relief. This has been undertaken and a report is being drafted. The DPA mandates that a Darfur Reconstruction and Development Fund will be started with an initial $300 million given by the GoS in 2006, and at least $200 million in both 2007 and 2008. However, in September 2006 this transfer was delayed.

In contrast to the CPA, the DPA provides extensively for the war-affected population (Article 21). It establishes the Darfur Rehabilitation and Resettlement Commission (DRRC) to engage with their needs by discussing their rights, restitution and compensation. A Compensation Commission will facilitate reparations to those in Darfur who have suffered harm because of the conflict. This includes physical or mental injury, emotional suffering and human and economic losses. The guidelines for this will be developed, but a compensation fund has been initiated with the GoS pledging $30 million.

According to the agreement, people may claim over the next ten years and compensation will be given only when restitution is legally shown to be impossible. The agreement does not clarify its definitions of compensation and restitution, making implementation impossible and, in turn, reflecting the inadequacies of the broader document. The Compensation Commission is mandated to establish a list of forms of compensation which include not only items such as grants, land and agricultural materials, and medical/psychological assistance, but also items that require engagement with perpetrators such as ‘acknowledgement and acceptance of responsibility’, ‘guarantees of non-repetition’ and ‘traditional forms of compensation’. That these are an entirely different form of compensation is not acknowledged and guidelines are not included as to how the commission is to engage with the perpetrators. Unrealistic promises for compensation are a recipe for ongoing conflict rather than for peaceful transition.

The DPA also initiates the Darfur–Darfur Dialogue and Consultation (DDDC) – a broadly constituted body that includes some 100 grassroots leaders from Darfur to discuss a new political future, reconciliation and
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repatriation strategies. The agreement identifies the need for a Reconciliation Commission as a standing mechanism for peace and reconciliation and the DDDC is tasked to formulate its mandate. According to the DPA Monitor, the Darfur–Darfur Dialogue is moving forward very slowly. The parties have nominated the chair of the preparatory committee and there is a joint GoS and SPLM/A committee to implement this provision.

The DPA therefore does offer provisos for some transitional justice mechanisms with attention to economic justice, compensation to war-affected people, and dialogue for peace. To date, no party has respected the provisions of the DPA. Atrocities, war crimes and human rights abuses continue to be committed by all parties. Yet, there is a strong impetus for civil education around the DPA conducted by the UN, AMIS and international non-governmental organisations. It is significant and of concern that whilst people are being told to expect compensation through the DPA provisions, the amount, when divided by the displaced population, translates into a mere $2 per head. Considering the lives lost, millions of livestock killed and property damaged, this is not adequate. Coupled with the complexity of the agreement and a lack of good faith by the signatories, the DPA is unlikely to move Darfur or Sudan closer to peace.

Justice and Reconciliation within the East Sudan Peace Agreement

The East Sudan Peace Agreement (ESPA) was signed between the GoS and the Eastern Sudan Front in October 2006. Although it includes many of the components and provisions of the DPA, it is far simpler, more realistic and possible to implement. The underlying principles for negotiation included agreement that ‘political, economic and cultural marginalisation constitute the core problem of Eastern Sudan’ and that ‘a fair share of national resources and affirmative action to address past inequalities as well as sustained social, economic and cultural development are key to a just and lasting settlement’. The agreement covers six areas: political issues; economic, social and cultural issues; comprehensive ceasefire and security arrangements; a consultative conference on the ESPA; implementation modalities and timeline; and general provisions.

Echoing the DPA, the ESPA increases representation in the national
government with the appointment of an assistant to the president from eastern Sudan, along with a presidential advisor. Two cabinet minister posts and one state minister post will continue to be held by eastern Sudanese, and one further state minister position will be given. At least eight seats in the National Assembly are to be allocated to nominees of the Eastern Sudan Front. As in the CPA and DPA, appropriate representation in the civil and military services will be ensured. A new level of government similar to the Transitional Darfur Regional Authority (TDRA) will be set up to enhance coordination and cooperation between the three eastern states. It will be called the Eastern Sudan States’ Coordinating Council. Wealth and resources are to be divided appropriately to care for all citizens of Sudan, with affirmative resource allocation to those areas affected by previous marginalisation and war.

The commitment to economic justice in the ESPA offers a transitional justice component to the agreement. Broad statements demanding that the state develop policies and programmes to ensure ‘social justice among all the people of Sudan’ are included. More concretely, in this agreement there is provision for a Eastern Sudan Reconstruction and Development Plan. It is to be funded by the Eastern Sudan Reconstruction and Development Fund seeded by a start-up of $100 million given by the GoS in 2007, followed by a minimum of $125 million per year to be transferred in 2008, 2009, 2010 and 2011.

Perhaps one of the most significant provisions is the agreement to institute a ‘nationwide’ conference:

Without prejudice to the status of southern Sudan as enshrined in the Interim National Constitution (INC), the Parties agree that the GoS shall convene, by the end of 2007, a nationwide conference to revisit the administrative structure of the country. Representatives of the executive and legislative branches of the National Government, representatives of the executive and legislative branches of the States, representatives of political parties, civil society groups and relevant experts shall participate in the nationwide conference; The GoS shall accept and implement the recommendations of the conference. (ESPA, Article 12)
However, the timeline of implementation in the ESPA provides for this component as a ‘Nationwide conference regarding the administrative structure of northern Sudan, implemented by the President and involving people all over northern Sudan’. It is therefore unclear whether this is a national conference, or one that just considers the administration of northern Sudan.

Although the ESPA engages with the need for economic justice and the need to support war-affected people generally, no further transitional justice provisions are offered.

**CHALLENGES TO A PEACEFUL FUTURE IN SUDAN**

The CPA, DPA and ESPA all fall short of addressing the challenges to peace in Sudan, which include impunity, unacknowledged human rights abuses, the availability of weapons, lack of economic justice, the demands of reconciliation and national identity, and the lack of broader political inclusiveness and pluralism.
Impunity and Unacknowledged Human Rights Abuses

The three agreements do not engage with impunity or set processes in motion to engage with the human rights abuses, atrocities and war crimes of the conflicts. The DPA goes the furthest in acknowledging the impact of war on civilians through protecting their rights, seeking compensation and ‘condemning all acts of violence against civilians and violations of human rights, and stressing full and unconditional acceptance of their obligations under international humanitarian law, international human rights law and relevant UN Security Council Resolutions’. (DPA, Preamble) Yet the agreement is not sufficiently clear on how this will happen.

Availability of Weapons

All three agreements are particularly strong in outlining the process of demobilising and integrating the rebel armies into the Sudan Armed Forces (SAF) or regularising the army as a parallel force. The agreements also offer support to those soldiers who do not wish to join the SAF and, therefore, need assistance reintegrating into the mainstream community. In implementing the CPA there is progress in this respect, albeit slow. The DPA was signed between the government and only one of the three militias. Therefore, conflict in Darfur has not ended and peace has not been secured. The ESPA remains too young for evaluation in this regard.

Lack of Economic Justice

In their outlines of negotiating principles or preambles, all three agreements demand economic and social justice and provide for redistribution either through division of resources or through structured central payments. The CPA divides oil wealth between the north and the south, and states that there needs to be a redistribution of economic and social resources to equalise the situation between these two areas. The DPA and ESPA engage with economic justice issues by establishing funds for development with money drawn from the national coffers and by demanding the inclusion of the marginalised areas in the future distribution of the nation’s wealth. How successful they will be
in achieving the transfer of funds remains to be seen. In relation to the size of the population and the magnitude of the problem, monetary compensation in the ESPA is proportionately higher than what is offered in the DPA.

Challenges of Reconciliation and National Identity

The peace agreements represent significant steps towards national reconciliation. The fact that the GoNU is functioning at all is a further sign of hope. Anticipating unity of purpose and vision after four decades of conflict across huge identity divides may be too high an expectation.

On 14 February 2006, President al-Bashir visited Juba and Rumbek for the first time since Garang’s funeral. He was well received by the people and in his address he spoke of the need for a free vote in the 2011 referendum and added that the NCP was ready to share the wealth with the south. In May 2006, the NCP and SPLM leadership councils met for three days to work through differences relating to the implementation of the CPA. Also, the number of southern, western and eastern Sudanese working in the civil service and national security services is increasing. These are all important initiatives on which further action can be built.

Yet it appears that a philosophy of divide and rule is being used by the NCP – frequently biting off small parts of a national crisis and brokering a peace deal with one or more parts of the resistance it is facing and then pitting the new ally against other sources of resistance. By including the SPLM in a Government of National Unity, the CPA reduced the SPLM's support to the peoples of the east and Darfur, and aligned the movement directly with the NCP. The signing of the DPA has pitted the SLA/MM against the remaining Sudan Liberation Army/Abdel Wahid (SLA/AW) and Justice and Equality Movement (JEM). These groups have now united with other militias into the National Redemption Front (NRF). The ESPA has also drawn the Eastern Sudan Front into an alliance with the NCP.

It appears that there is very little movement around the National Reconciliation Campaign as mandated by the CPA (Power-Sharing, in Article 1.7). Considering the array of issues being dealt with, this is perhaps not surprising, yet improved understanding between different groups in Sudan would facilitate movements into peace.
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Lack of Broader Political Inclusiveness and Pluralism

The CPA opened a new window of opportunity and hope for a lasting peace in Sudan. In 1994, when the Declaration of Principles (DOP) was signed, laying the foundations for the negotiations between the SPLM and the Sudanese government, the focus was on closing the conflict. The broader national issues, such as the centralisation of power and wealth, representation in government structures and the provision of services in marginalised areas, were not placed on the table during the negotiations. Hence, the negotiations also excluded the broader range of stakeholders who were concerned with the agenda, such as the National Democratic Alliance, Umma, the Democratic Unionist Party, professional associations, women’s groups and religious groups.

It has been argued that the armed conflicts in Darfur and the east and the discontent in the north are a reflection of this exclusion. Non-SPLM and NCP members feel left out of the process and this is a major challenge to long-term peace and democratisation in Sudan. Although invited into the GoNU, other opposition parties, including the Umma Party and the Popular National Congress, declined to participate, preferring to contest the general elections in 2009.

The non-signatories to the DPA have been excluded from key committees such as the Ceasefire Commission and they continue to fight for political space at a regional and national level. In the east, the Eastern Sudan Front is seen to represent the majority in that region. The CPA, on the other hand, openly allows a SPLM/NCP majority throughout the country and this has been one of the problems voiced by marginalised groups throughout Sudan. The DPA was an improvement over the CPA in this regard. Whilst the three militias only represent some 20% of the people of Darfur and only one of the militias signed the DPA, the agreement at least includes the Darfur–Darfur Dialogue and Consultation process. Also, the ESPA has introduced the idea of a national dialogue to discuss the administration of the country. Although the implementation modality limits this to the north, it is something that could be developed to work through the underlying causes of all three conflicts.
OTHER EXISTING STRATEGIES FOR JUSTICE AND RECONCILIATION

The International Criminal Court

Responding to concerns arising from stories about Darfur, the United Nations Security Council (UNSC) established the United Nations International Commission of Inquiry on Darfur in September 2004. In January 2005, this commission reported that there was reason to believe that crimes against humanity and war crimes had been committed and recommended that the Darfur situation be referred to the International Criminal Court (ICC). In response, the UNSC passed Resolution 59 (2005) and the commission handed over a list of 51 individuals suspected of crimes against humanity and war crimes in Darfur. (Du Plessis & Gevers, 2005)

Khartoum immediately rejected the resolution and then subtly avoided meeting requests for access to witnesses and documentation. Whilst the Office of the Prosecutor has decided to open an investigation into the war crimes and human rights abuse in Darfur, renewed fighting there has made it almost impossible to access witnesses or evidence.

A panel of experts took over the work of the UN International Commission of Inquiry on Darfur and submitted reports in January and August of 2006. The January report included a confidential list of 17 individuals, including ‘top people in government’ who have been identified for sanctions for undermining peace in Darfur. The August report identified an additional list of people associated with serious violations of international human rights law, including crimes against humanity and war crimes. So far, sanctions have been applied to four people: two rebels, one Janjaweed leader and an air force commander.

Acknowledging the impossibility of gathering evidence, meeting witnesses, securing real protection for witnesses and arresting those who have been charged, Human Rights Watch has encouraged the ICC not to withdraw the current indictments, but to focus on current and future cases as a deterrent to ongoing violation. They support extending the sanctions to more people than those identified by the January report.
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The Special Criminal Court on the Events in Darfur

Sudan established the Special Criminal Court on the Events in Darfur (SCCED) on 7 June 2005, the day after the prosecutor of the International Criminal Court announced that he was investigating the abuses in Darfur. Although the purpose of the court is ostensibly to offer accountability and justice to the victims of the war in Darfur, senior Sudanese government officials referred to the SCCED as a process of divesting the ICC of jurisdiction in Sudan. Article 7 of the Rome Statute prefers national courts, jurisdiction unless the country is unable or unwilling to prosecute – but, Khartoum’s commitment to justice remains to be seen.

In Lack of Conviction: The Special Criminal Court on the Events in Darfur, Human Rights Watch evaluates the performance of this court, indicating that the court lacks both the capacity and the conviction to prosecute war crimes or human rights abuses. In its undertaking of 13 cases, the SCCED focused on criminal matters and low-level actors. The real objective of this court is apparent in its functioning: it is essentially a response to the international community’s demand for change and seeks to undermine the jurisdiction of the ICC.

Grassroots Reconciliation Approaches

The conflicts in Sudan have made deadly weapons easily accessible, disrupted relations between neighbouring groups, affected the availability of farming, pastures and water, undermined traditional authority structures and deliberately created divisions and distrust by fanning tensions between groups. Historically, there were always brief conflicts concerning cattle, pastoral and agricultural land, fishing areas and water, but traditional methods of conflict resolution resolved disputes within days with very little loss of life.

In the past, traditional African leaders dealt with grievances by leading their communities through ritualised storytelling. This was followed by problem-solving group discussions, which led to resolutions and rituals to acknowledge wrongdoing and bring about reconciliation. Significant steps for reconciliation, justice and sustainable peace included self-examination, acknowledgement of responsibility, public admission, apology, forgiveness
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and restoration. This social structure offered balance, with elders seeking peace whilst the youth traditionally were more aggressive. The war has disrupted these balances.

Before 1990, the two largest ethnic groups in the south, the Nuer and the Dinka – who lived as neighbours and frequently intermarried – used these reconciliation strategies when necessary. Those groups with Arab worldviews developed the Agaweed conflict resolution mechanism adapted by the British colonisers to include mediators from other neighbouring tribes not party to the dispute. Through this step-by-step shuttle diplomacy by elders, consensus is reached and a final meeting is called where the Agaweed announce their decision – often involving forgiveness and reconciliation. These traditions need to be celebrated and included in the restructuring of a post-conflict society.

Francis Deng writes of the importance of drawing on cultural traditions in the process of rebuilding and healing a society, particularly after a war contested around identities and ethnic heritage. He gives examples of Dinka cultural concepts on which healing processes could be based including cieng, which describes the ‘ideals of human relations, family and community, dignity and integrity, honour and respect’, and ‘a sanctity of the moral order’. (Deng, 2006) Social status is given to a person who lives up to cieng, known as dheeng. Dinka cultural concepts of valued leadership, known as dom, describe a process of ‘establishing authoritative or legitimate control over a group, muk, maintaining and sustaining the group in accordance with the ideals of a good leader, and guiuer, improving the lot of the group by enhancing unity, harmony and prosperity’.

Deng summarises:

These concepts were the pillars of a coherent, well integrated social order, whose overriding goals and legitimate means for pursuing them were well defined and accessible to all members of the community, who adhered to them with varying degrees of success. (Deng, 2006)

The fallout of the war has been frequent, deadly and sustained conflicts between neighbouring clans and ethnic groups. The politically fanned conflict between the Nuer and the Dinka was brutal and led to terrible animosity
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and distrust. Post-conflict disarmament in the north and the south has been sabotaged by the need for communities to defend themselves against their neighbours, in turn making the rule of law and policing impossible. This challenges the GoSS’s efforts to bring security to the region. In Darfur, ethnic tensions between the Abbala, non-Baggara peoples, and the Fur, Zaghawa and Massaleit have been provoked by the NCP, Chad and other elements into very violent conflict – some argue genocide – and form the most vicious front of the armed conflict.

Two community-level reconciliation processes respond to the clan- and ethnic-based violence. The first has been called the People to People Peacemaking processes led primarily by the New Sudan Council of Churches (NSCC), mixing Christian and Sudanese African traditions of reconciliation. The second is the Intertribal Councils, endorsed and supported by the Khartoum government and based on Agaweed.

People to People Peacemaking started as a grassroots response to the community-level conflict between the Nuer and the Dinka that was fuelled by the leadership split within the SPLM. In 1997, the NSCC introduced the well-resourced, carefully thought through process based on traditional dialogue. Not only was it an extremely effective precursor to rebuilding relations between both the communities and the leadership, thereby reshaping the allegiances within the north–south conflict but, most significantly, it confronted the political/military leaders with a civil society initiative.

Since then, the NSCC in particular but also non-governmental organisations (NGOs) such as Pact have facilitated over 30 of these events where different communities in conflict are drawn into a peace process. The sharing of stories, identification of the core issues, apology, forgiveness and reconciliation are all steps in a process that can last several days. These events start with a ritual proclaiming good faith through the killing of a white bull, and close with a similar sacrifice.

People to People Peacemaking is a deliberate and facilitated process that encourages the communities, leaders and people involved in conflict situations to ‘reach’ agreements among themselves for stopping conflicts, achieving reconciliation and promoting healing, peace and justice among and for people in their communities. (NSCC, 2004)
The Intertribal Councils, used more in Darfur and endorsed (and frequently initiated) by the government, have had more mixed reviews – particularly relating to the speed of the process, with sometimes greater focus on the goals rather than the process of rebuilding relationships.
**CONCLUSION**

Sustainable peace will require that the underlying causes of the conflict are resolved and that the issues of impunity, unacknowledged human rights abuses, the availability of weapons, the lack of economic justice, and the challenges of reconciliation, national identity and political pluralism are addressed. The International Criminal Court, grassroots reconciliation processes and the faithful implementation of the CPA, DPA and ESPA potentially could support these tasks. The importance of reconciliation was noted in the CPA; steps were taken in the DPA in terms of caring for those affected by the war; and the ESPA raised the need for national dialogue. These three documents together offer useful transitional processes but issues relating to reconciliation, accountability for war crimes and for creating a common historical record are nonetheless outstanding.

Sudan is still in a state of conflict – issues are far from resolved. The economic and political power remains concentrated with the group that has most to lose if it were to be answerable for past crimes. It will be some time before the tasks of accountability, reconciliation and truth telling will be completed. However, the first steps of the process need to be taken.

The policy of engaging with the regions separately endangers the peace by perpetuating a divide and rule approach that is further entrenched by the fact that the peace agreements offer unequal settlements. The Joint Assessment Missions tasked to ‘identify and quantify the needs of post-conflict economic recovery, development and poverty eradication’ (DPA, 155) should work together to develop a consolidated approach to economic rebuilding of the country, including the marginalised areas.

All parties, particularly the SPLM, need to be cautious in granting amnesty, and accepting soldiers and militia into post-conflict military systems without an assessment of past behaviour. The creation of the Joint Integrated Units is an opportunity for some vetting of military personnel – if only as a first step towards acknowledging that impunity must end. In order to achieve this, the parties need to agree on what constitutes abuse, strategies for assessing this and processes to address this peacefully. Prosecutions of the worst offenders – which the CPA, DPA and ESPA do not specifically require – should underlie the thorough reform of the military and security services.
Finally, although the three peace agreements do not provide for national truth and reconciliation commissions or for establishing a special mechanism to prosecute abuses committed during the north–south war or elsewhere, they do not prevent the government from looking at other alternatives that could guarantee post-conflict peace building. Opposition parties and the international community will at some stage demand an account of the human rights abuses that occurred during the conflicts. It is in the interests of the major parties to develop an approach that will allow a break from the past and a break from impunity. When such programmes are developed, it is essential that they are founded on an understanding of needs, culture and context and that there is an appreciation of the steps required to achieve and sustain peace.
Chronology of Events

1820–1881  ›  Turko–Egyptian rule.
1881–1898  ›  Mahdist rule.
1898–1956  ›  Anglo–Egyptian rule.
1833  ‣  Khartoum becomes the capital of Sudan.
1930  ‣  Southern Policy – barring northerners from the south.
1945  ‣  Umma Party formed.
1947  ‣  Juba Conference – first meeting of north and south representatives, chiefs, prominent Arabs and British officials to discuss new Southern Policy and region’s integration with the north.
1948  ‣  Creation of 93-member Legislative Assembly in Khartoum (only 13 representatives from the south).
1951  ‣  Appointment of 13-member Constitutional Commission (only 1 representative from the south). South proposed for federal arrangement.
1952  ‣  Cairo conference to discuss the nature of self-government for Sudan. Representatives of northern political parties, Britain and Egypt; south not represented.
March 1953  ‣  Anglo–Egyptian agreement on Sudan’s right to self-determination liquidates 1899 condominium agreement.
1955  ‣  Torit mutiny – uprising in south against northern rule marks beginning of civil war.
1956  ‣  Sudan becomes an independent state.
1958  ‣  Military coup by Lt Gen Ibrahim Abboud.
1963  ‣  Launching of Anya Nya guerrilla movement; declaration of total war against northern troops in the south.
1964  ‣  ‘October Revolution’ fall of Lt Gen Abboud; appointment of Transitional Government headed by Sir el-Khatim el-Khalifa.
1965  ‣  Roundtable conference on southern Sudan problem with representatives of southern and northern parties.
1969  ‣  ‘May Revolution’ successful coup led by General Ja’afar Mohamed Numeiri and Revolutionary Command Council established.
1971  ‣  Declaration of policy on regional autonomy for southern provinces.
1972  ‣  Addis Ababa Agreement signed.
1973  ‣  Southern autonomy confirmed and the People’s Assembly is established in the south.
1978  ‣  Oil discovered by Chevron in Bentiu, southern Sudan.
1981  ‣  National People’s Assembly dissolved.
Chronology of Events

1983 ➔ Presidential decree divides south into 3 provinces.
   ➔ Presidential decree introduces Islamic law.
   ➔ Second civil war erupts.

1985 ➔ Numeiri deposed by senior army officers who form Transitional Military Council (TMC) under Lt Gen Abd ar Rahman Siwar al-Dhahab.

1986 ➔ Koka Dam Declaration.
   ➔ Coalition government of Umma, DUP and southern parties under Sadiq al-Mahdi as Prime Minister.

1989 ➔ Military coup led by Field Marshall Omar Hassan al-Bashir.

1990 ➔ NDA – a coalition of opposition groups from the east, south and north – established.

1991 ➔ SPLA splits into Torit and Nasir groups.

1992 ➔ Abuja I – Nigeria peace conference to unite southern rebels.

1993 ➔ SPLA–United formed.
   ➔ Abuja II – Nigeria peace conference.
   ➔ Sudan listed as supporting international terrorism.
   ➔ Al-Bashir becomes President and Head of State of Sudan.

1994 ➔ IGADD/IGAD talks begin.
   ➔ IGAD’s Declaration of Principles (DOP) adopted.

1995 ➔ Al-Bashir calls for Jihad against SPLA.
   ➔ NDA conference in Eritrea – Asmara Declaration signed.

1996 ➔ UN Resolution condemns Sudan for terrorism.

1997 ➔ New chapter of cooperation – government signs Khartoum Agreement with SSIM and other rebel groups in the south, leaving SPLM isolated.
   ➔ Fighting in east begins.
   ➔ Government faces military losses and regional isolation; says it will return to IGAD process.
   ➔ IGADD-sponsored negotiations. Government accepts IGAD’s DOP agreeing to discuss self-determination for south.
   ➔ US accuses Sudan of sponsoring terrorism; imposes sweeping economic sanctions.

1998 ➔ New constitution endorsed by over 96% of voters in referendum.
   ➔ US cruise missile attack on pharmaceutical plant in Khartoum.

1999 ➔ Al-Bashir dissolves National Assembly and declares state of emergency following power struggle with parliamentary speaker al-Turabi.
   ➔ Sudan exports oil.

2000 ➔ Al-Bashir re-elected for another 5 years; election boycotted by main opposition parties.
   ➔ Al-Turabi forms PNC.

2001 ➔ PNC signs Memorandum of Understanding with SPLM/A; a day later al-Turabi placed under house arrest.
   ➔ Government troops accused of trying to drive civilians and rebels from oil fields.

2001 ➔ Joint Libyan–Egyptian Initiative establishes another DOP.

   ➔ Uganda’s President Museveni mediates first meeting between al-Bashir and Garang.

2003 ➔ New rebel group, Front for the Liberation of Darfur later known as Sudan Liberation Movement/Army (SLM/A) is launched and JEM emerges.
   ➔ GoS retaliates and Darfur crisis begins.
   ➔ Protocol on security arrangements signed.
   ➔ Government releases PNC leader Hassan al-Turabi.
Peace in the Balance: The Crisis in Sudan

2004
- SPLM/A-United and SPLM/A join.
- Al-Turabi accused of plotting anti-government coup since 2002; arrested in Khartoum.
- AMIS deployed in Darfur.
- Parties pledge in front of the UNSC to end conflict by 31 December.
- Permanent Ceasefire and Security Arrangements Implementation Modalities signed.

2005
- CPA signed.
- Donors pledge 4.5 billion for development and recovery programmes in the south.
- NCRC established.
- South–south dialogue held in Nairobi.
- GoS and NDA sign reconciliation deal allowing NDA into power-sharing administration.
- ICC investigation into Darfur.
- Government frees Al-Turabi.
- Garang sworn in as the First Vice-President of Sudan.
- Interim constitution giving large degree of autonomy to the south is signed.
- John Garang dies in helicopter accident.
- Garang succeeded by Salva Kiir.
- GoNU formed comprising 14 parties and political organisations.
- Interim Assembly of Southern Sudan inaugurated.
- Autonomous GoSS formed. Administration dominated by SPLM.
- INC signed.

2006
- Juba Declaration between SPLA and SSDF to integrate the latter into SPLA.
- Second donors meeting held in Paris, France.
- Interim DOR programme signed.
- DPA signed.
- ESPA signed.
<table>
<thead>
<tr>
<th>Abbreviations</th>
<th>Description</th>
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<tbody>
<tr>
<td>AACC</td>
<td>All Africa Council of Churches</td>
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<tr>
<td>ABC</td>
<td>Abyei Boundary Commission</td>
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<td>AEC</td>
<td>Assessment and Evaluation Commission</td>
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<td>AMIS</td>
<td>African Union Mission in Sudan</td>
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<td>APCS</td>
<td>Armoured Personnel Carriers</td>
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<td>AU</td>
<td>African Union</td>
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<td>CAR</td>
<td>Central African Republic</td>
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<td>CIA</td>
<td>Central Intelligence Agency</td>
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<td>CPA</td>
<td>Comprehensive Peace Agreement</td>
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<td>DDF</td>
<td>Darfur Development Front</td>
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<td>DDR</td>
<td>Disarmament, Demobilisation and Reintegration</td>
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<td>DLF</td>
<td>Darfur Liberation Front</td>
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<tr>
<td>DGP</td>
<td>Declaration of Principles</td>
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<td>DPA</td>
<td>Darfur Peace Agreement</td>
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<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>DUP</td>
<td>Democratic Unionist Party</td>
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<td>ELI</td>
<td>Egypt–Libya Initiative</td>
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<td>East Sudan Peace Agreement</td>
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<td>EU</td>
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<td>Government of National Unity</td>
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<td>GoS</td>
<td>Government of Sudan</td>
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<td>GoSS</td>
<td>Government of Southern Sudan</td>
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<td>ICC</td>
<td>International Criminal Court</td>
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<td>ICF</td>
<td>Islamic Charter Front (later known as National Islamic Front or National</td>
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<td></td>
<td>Congress Party)</td>
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<td>ICG</td>
<td>International Crisis Group</td>
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<td>IDPs</td>
<td>Internally Displaced Persons</td>
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<td>IGAD</td>
<td>Inter-Governmental Authority on Development</td>
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<td>IGADD</td>
<td>Inter-Governmental Authority on Drought and Development</td>
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<td>INC</td>
<td>Interim National Constitution</td>
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<td>IPF</td>
<td>IGAD Partners’ Forum</td>
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<td>JAM</td>
<td>Joint Assessment Mission</td>
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<td>JEM</td>
<td>Justice and Equality Movement</td>
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<td>JIU</td>
<td>Joint Integrated Unit</td>
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<td>JNTT</td>
<td>Joint National Transitional Team</td>
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<tr>
<td>MDTF</td>
<td>Multi Donor Trust Funds</td>
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<td>MSF</td>
<td>Medecins sans Frontieres</td>
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<td>NCP</td>
<td>National Congress Party (formerly NIF)</td>
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<td>NCRC</td>
<td>National Constitutional Review Commission</td>
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<td>NDA</td>
<td>National Democratic Alliance</td>
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<td>NEPAD</td>
<td>New Partnership for Africa’s Development</td>
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<td>NIF</td>
<td>National Islamic Front (now NCP)</td>
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<td>NRF</td>
<td>National Redemption Front</td>
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<td>New Sudan Council of Churches</td>
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<td>NUP</td>
<td>National Unionist Party (later known as Democratic Unionist Party)</td>
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<td>OAU</td>
<td>Organisation of African Unity</td>
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<td>PC</td>
<td>Popular Congress</td>
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<td>RECONCILE</td>
<td>Resource Center for Civil Leadership</td>
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<td>SAF</td>
<td>Sudan Armed Forces</td>
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<td>SCCED</td>
<td>Special Criminal Court on Events in Darfur</td>
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<td>SFDA</td>
<td>Sudan Federal Democratic Alliance</td>
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<td>SLA</td>
<td>Sudan Liberation Army</td>
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<td>SLA/AW</td>
<td>Sudan Liberation Army/Abdel Wahid</td>
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<td>SLA/MM</td>
<td>Sudan Liberation Army/Minni Minawi</td>
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<td>SPD-PCS</td>
<td>Strategic Plan for Peace and Reconciliation</td>
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<td>SPLA</td>
<td>Sudan People’s Liberation Army</td>
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<td>SPLM/A</td>
<td>Sudan People’s Liberation Movement</td>
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<tr>
<td>SPC</td>
<td>Sudan People’s Liberation Movement/Army</td>
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<td>SPRC</td>
<td>Sudan Peace and Reconciliation Commission</td>
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<td>SSDF</td>
<td>Southern Sudan Defence Force</td>
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<td>SSLM</td>
<td>Southern Sudan Liberation Movement</td>
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<td>SSP</td>
<td>Southern Sudan Party</td>
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<td>SSPC</td>
<td>Southern Sudan Peace Commission</td>
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<td>TDRA</td>
<td>Transitional Darfur Regional Authority</td>
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<td>Transitional Military Council</td>
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<td>UN</td>
<td>United Nations</td>
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<td>United Nations Development Programme</td>
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<td>United Nations Population Fund</td>
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<td>UNMIS</td>
<td>United Nations Mission in Sudan</td>
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<td>UNSC</td>
<td>United Nations Security Council</td>
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<tr>
<td>USA/US</td>
<td>United States of America/United States</td>
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<tr>
<td>USAP</td>
<td>Union of Sudan African Parties</td>
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</table>
References

Introduction

Chapter 1
Jeppie, S. Sharia and State in the Sudan: from Late Colonialism to Late Islamism. (Oxford, Somerville College and OCIS, 2005).

Chapter 2
References


Agreement on Security Arrangements during the Interim Period between the Government of Sudan (GOS) and the Sudan People’s Liberation Movement (SPLM), Naivasha, Kenya, 25 September 2003.

Agreement on Wealth Sharing during the Pre-Interim and Interim Periods between the Government of Sudan (GOS) and the Sudan People’s Liberation Movement (SPLM), Naivasha, Kenya, 7 January 2004.


Juba Declaration on Unity and Integration Between the Sudan People’s Liberation Army (SPLA) and the South Sudan Defence Forces (SSDF). 8 January 2006. Available at http://www.iss.co.za/af/profiles/sudan/darfur/jubadcljan06.pdf [accessed 8 November 2006].


Chapter 3

Ahmed, Dr A A. Sudan Peace and Transition to Democracy. Umma Party Perspective [on file with the authors].


Assessment of the work of the JNTT, Prepared on behalf of the United Nations Development Program, June, 2006 [on file with the authors].


Peace in the Balance: The Crisis in Sudan


Memorandum of the National Umma Party to the United Nations Security Council Team. Khartoum, Sudan (6 June 2006) [on file with the authors].


UNDP-Report prepared to assess the work of the JNTT, (June 2006) [on file with the authors].


World Bank/United Nations Joint Assessment Mission (JAM) – Cluster Civil Society [on file with the authors]. The report of the JAM is available at: www.unsandig.org/JAM.

Chapter 4


http://www.gurtong.org/resourcecenter/gov/PoliticalParties_SouthSudan.asp


Chapter 5

References

Chapter 5


Associated Press. ‘Arab diplomats say Sudan rejects offer for peacekeepers.’ International Herald Tribune, 8 October 2006.

Bridgland, F. ‘Killing worsens in Darfur as media attention fades.’ Sunday Herald. 5 March 2006.

‘Bush signs law setting sanctions on Darfur crimes.’ Reuters. 13 October 2006.


Human Rights Watch. ‘Darfur Bleeds: Recent Crossborder Violence in Chad.’ February 2006.


Leopold, E. ‘Sudan warns Darfur troop pledges a “hostile act.”’ Reuters. 5 October 2006.


Neighbour, M. ‘UN secretary general urges swift action to stop Sudanese attacks.’ The Scotsman. 17 September 2004.


Salopek, P. ‘A tank of gas, a world of trouble: Chapter 4: Last Call.’ Chicago Tribune. 29 July 2006.


Steele, J. ‘Rebel Groups kill 40 in Darfur.’ The Guardian UK. 2 October 2006.


Sudan Tribune. ‘Sudan will not hand citizens to ICC over Darfur Crimes.’ 8 June 2005.


Peace in the Balance: The Crisis in Sudan

Walsh, C. ‘Stop investing in Sudan’s genocide, MPs tell firms.’ The Observer: London. 1 October 2006.


Chapter 6

References


United Nations. ‘The United Nations considers the Darfur conflict to be one of the world’s worst humanitarian crises.’ Available at http://www.unmis.org/English/darfur.htm [accessed 28 August 2006].


Chapter 7


167
Peace in the Balance: The Crisis in Sudan


New Zealand Herald. 16 September 2006.


Chapter 8
Comprehensive Peace Agreement.
Darfur Peace Agreement Preamble.
Eastern Sudan Peace Agreement.
Sudan Peace and Reconciliation Commission. ‘Strategic Plan for Peace and Reconciliation (SPD-PCS)’ p 16.

References
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