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## **Challenges of Regional Peace after the Comprehensive Peace Agreement in Sudan**

**by Elke Grawert**

### **Introduction**

The Comprehensive Peace Agreement (CPA), concluded between the Government of Sudan and the leadership of the Sudan People's Liberation Army (SPLA) in January 2005, ended a 22 years lasting civil war. The core of the CPA document is the agreement on power and wealth sharing, tackling the main causes of the conflict: unfair distribution of power and marginalization of the majority of the population. The conclusion of the CPA is not only the merit of the two warring parties but also an outcome of the commitment of the Intergovernmental Authority on Development (IGAD), the special envoy of the Kenyan government, General Lazaro Sumbeiywo, and the IGAD Partners' Forum which includes the governments of the USA, Norway, Netherlands, Canada, Italy and the United Nations (UN). This success has been overshadowed by the war in Darfur in western Sudan which has been raging since 2003. Moreover, two years after signing the CPA, a speech of the South Sudanese President Salva Kiir on the occasion of the anniversary of the CPA brought some fundamental shortcomings in the implementation to public light. Has the peace process in Sudan come to a standstill? Is the war in Darfur related to the peace in South Sudan? How does the mixture of war and peace in Sudan affect the sub-region of the Greater Horn? What are the challenges for the institutions that had been involved in creating the CPA?

In order to answer these questions, conflict and peace in Sudan are investigated with a 'New Regionalism Approach' (NRA) (Grant & Söderbaum 2003: 2-9). Instead of a state-centred perspective, the current developments will be studied with a focus on micro-, meso- and sub-regional arenas of action. The impact of war and peace in Sudan on the sub-region is investigated with the two extremely different cases of Chad and Kenya. Besides relevant documents and secondary literature, this study is based on interviews with politicians from South Sudan and Kenya who have been involved in the current peace process<sup>1</sup>.

After an outline of the NRA, the current problems in implementing the CPA are highlighted. Then the main features of the Darfur conflict and its sub-regional interlinkages are introduced. The perceptions of peace and conflict in Sudan by senior politicians and statesmen from South Sudan and Kenya are presented and discussed subsequently. Concluding remarks point to potentials and challenges for sustainable peace in Sudan as part of the sub-region of the Greater Horn of Africa.

## **Adopting a New Regionalism Approach to Analyze Conflict and Peace in Sudan**

The 'New Regionalism' starts from the assumption that globalization has an impact on the formation of regions far beyond the state-centric unions for economic or political purposes that used to be the subject of traditional studies of regional integration. The NRA considers interactions beyond national boundaries from a broader societal perspective and includes cultural cross-border identities and regional self-organization of civil society groups for the protection of the environment or other common concerns (Grant & Söderbaum 2003: 9, Mittelman 1999: 48).

Whereas these authors consider regionalism beyond the cooperation of states in terms of links between civil society organizations, it is held here that attention also has to be directed to the revival of communities under conditions of neo-liberal globalization. This requires some explanation.

### *Globalization, regionalism and communities*

Neo-liberal globalization is defined here as the extension of private economic activities by reducing constraints and regulations imposed by states. In most African countries, markets were liberalized within the framework of structural adjustment programmes under the regime of the International Monetary Fund (IMF) and the World Bank during the 1980s and 1990s. As a result, the post-colonial states that often had their main economic basis in state-owned or parastatal companies were considerably weakened and had to find new ways to persist. Many governments began a downright sell-out of the wealth available on their territories to foreign investors, cheap imported goods flooded the domestic consumer markets and ousted indigenous producers (Wichterich 1998: 149-152, Stiglitz 2002: 70-72). During the 1990s, neo-liberal globalization took on the feature of a rat race among economic actors from the old industrialized countries and the newly industrializing Asian countries to gain control over African mineral resources. Resource-rich African states tended to split up into components which managed to secure a share of the incomes generated from exploiting mineral resources and other components which remained excluded. The same process affected African societies, creating a tiny layer of beneficiaries and a majority which had to cope on their own with economic hardship and human insecurity. Displacement from areas where mineral resources can be exploited or from land that is aimed to be used for more lucrative purposes than cultivation or grazing has affected large population groups. Physical violence by state-sponsored or private armed groups is spreading, often times caused by ultimately economic interests.

The range of these interrelated activities of international economic actors, state and society components and adversely affected population groups is not limited by state boundaries, but has to be considered in terms of the availability of lucrative resources. With regard to the Greater Horn of Africa, the oil belt which stretches from West Africa through Chad and Sudan and possibly even to Ethiopia determines a sub-region which should be considered as a significant arena of economic

and political action and interaction.

Sub-regional arenas that reach across (parts of ) several states include or overlap with numerous meso- and micro-regions. According to Grant & Söderbaum (2003: 6), these can be defined in terms of spatial development initiatives, conservation areas or 'peace parks and enclaves'. In addition, the old-established spaces where particular population groups usually move annually, either as pastoralists with their livestock or as seasonal labour migrants, have to be considered as micro-regions with own characteristics, socio-economic patterns and political dimensions that are only to a minor extent determined by state boundaries. Categories of analysis of these micro-regions would be cross-border trade (Gore 2006), livelihood networks (Grawert 1998: 15-16) and human security threats and coping measures on a sub-regional basis. The actors at these levels are to some extent civil society organizations, but more frequently, their social cohesion is not derived from societal identities, but from community identities such as tribe, kinship or other claims of common origin. Accordingly, the lack of responsibility of state authorities for human security and hence, the challenge to cope with risks on a private basis, have to be considered as an impact of globalization. Interactions that are covered by the NRA are thus activities for livelihood security of communities, interactions with migrants and other community members in the diaspora, and networks for the self-protection of communities which extend beyond national boundaries. Besides this, cross-border alliances of resistance groups or government-sponsored militias from the same tribal background are also a subject studied within the NRA.

### *States and boundaries*

Although this study pleads for the use of regional arenas as a unit of analysis, it does not mean that national boundaries do not have a significant meaning. They are highly important in terms of allocating particular natural or mineral resources to a formally recognized territory of a nation state. As a rule, this formal allocation allows the sovereign or, in case of de-facto dispersed rule, the oligopolistic power holders, to reap revenues from the sale of these resources. Accordingly, the removal of land users from the area to be exploited is a matter of state action. It is a primary source of violent conflict, if this is done by forceful means. Sometimes the company that wins the concession for mining is threatened by displaced groups which take up arms. Therefore, these companies will be protected by armed groups which may be part of the national army, private security services, or state-sponsored militias. The revenues from mineral resource exploitation are supposed to be redistributed within national boundaries. If the benefits are reaped by a small group of the state and/or society, other powerful social groups that claim a share of the wealth are likely to enter violent conflict (Collier & Hoeffler 2001). In turn, the state may invest revenues from mineral resources in armement in order to defend the control over the particular resource against other state

components or social groups.

A further issue related to states and national boundaries may occur if a valuable resource is transported through a neighbouring country to reach a harbour. The government may face difficulties to agree with the neighbouring country on the terms of dividing revenues and on the terms of sharing the cost of infrastructure, maintenance, compensation and similar issues.

Hence, the state remains an important actor within NRA. However, it is suggested here to consider states as consisting of components with varying interests. Especially at the periphery of a given country, components of the state may encounter 'pushes, pulls, blurring of boundaries and domination by others ... (in) numerous junctures between ... (the) state's diffuse parts and other social organizations' (Migdal 1994: 3) which may lead at least to inconsistent state action or even to 'dispersed domination' (Migdal 1994: 9). Going beyond Migdal's theory, the contradictory relations between state components and social forces may even culminate in violent conflict with actors mixed from state and private origin.

### *Regionalism and conflict*

Extending this concept even more, actors across national boundaries may be included equally in the analysis, representing components of the neighbouring state as well as social forces acting in the border area. A common pattern during entrenched conflicts between a repressive government and a resistance movement has been a reciprocal cooperation with neighbouring countries. Each government would host the resistance groups that fight the neighbouring country's government and even supply them with arms, provide training camps and sometimes recruits. Movements of fighters across boundaries have been the norm in the civil war areas of Africa.

A further regional aspect of conflict tends to be created by the intervention of international aid and development organizations. They usually have regional headquarters in capitals of neighbouring countries adjacent to conflict areas. This contributes to regional links in terms of commodity and labour markets related to the aid business and the development of physical and communicative infrastructure to facilitate the activities of aid organizations.

Countries adjacent to conflict areas also host refugee camps which are equipped by a conglomerate of the United Nations and other humanitarian agencies in the border areas. The camps tend to become settlements with intensive economic and social relations with the surrounding communities which are often conflictive due to privileges of the refugees which are denied to the local inhabitants. In some cases, refugee camps are also bases for the recruitment of fighters for various armed groups. This implies that refugee movements, camps and settlements also have to be considered as a micro- or even meso-regional arena of action and interaction in analyzing the impact of war and the peace process on a sub-region like the Greater Horn of Africa.

The subsequent analysis will be made within this analytical framework in order to put the conflict and peace process in Sudan in its proper context. However, first the process of implementing the CPA in Sudan will be assessed in a national perspective.

### **Setbacks in Implementing the CPA**

The civil war in South Sudan has been ended by the peace agreement between the two main conflict parties, the government of Sudan and SPLA. In the current process of implementation, the interest of the former government side is represented by the National Congress Party (NCP), which is led by the Sudanese president Omar al-Bashir. The Sudan People's Liberation Movement (SPLM), the civilian wing of SPLA, has also begun to transform itself into a political party, claiming to represent the interest of all marginalized groups in Sudan.

The current success of the CPA in terms of a ceasefire between the Sudanese armed forces and SPLA is mainly due to one aspect of power sharing, that is the guarantee of regional autonomy of South Sudan. This includes the foundation of a regional government of South Sudan (GOSS), based on a secular regional constitution, a SPLM-dominated national assembly and cabinet, establishment of an independent judiciary and the right of the population of South Sudan to decide about independence through a referendum in 2011. A further reason for peace between the government of Sudan and SPL is the proportionate inclusion of SPLM in the national government of Sudan, which is now labelled Government of National Union (GONU).

SPLA has been partly integrated in the national Sudanese armed forces (SAF) and partly, it forms the regional army of South Sudan together with a few troops from the SAF.

The other critical reason for the current peace in South Sudan is the formula of wealth sharing. Accordingly, the GONU and the GOSS are each entitled to half of the total oil revenues stemming from the South Sudanese oil production, after deduction of two per cent for each oil-producing federal state in the South. The CPA also provides for determined development efforts in the war-torn South (Adar 2004: 37-57).

According to the CPA, the implementation is to be monitored by the United Nations Mission in Sudan (UNMIS) for a period of six years, based on a mandate of the UN Security Council. Two multi-donor trust funds, administered by the World Bank, have been established for development and infrastructural measures, one at national level and one for the South (Sudan Multidonor Trust Funds 2005). The GONU and GOSS are supposed to contribute a due share from oil revenues.

### *Disappointed expectations*

SPLM is the junior partner in the GONU and has held the position of the Vice-President of Sudan since July 2005. This fundamental change in the composition of the regime together with the

promise of getting control of an adequate share of important ministries in accordance with the CPA raised great hopes for a real change in Sudan. The expectation was that the economic key problems in Sudan, that is land and water rights and the redistribution of oil revenues, would be tackled immediately by an operative Land and Petroleum Commission in which the interests of the marginalized groups would be represented by SPLM appointees. Citizens believed that a civil service reform with proportional occupation of higher positions with southerners would be implemented determinedly by the new Civil Service Commission that was to be set up according to the CPA. Further, there was the desire that, based on a democratic constitution and a national census, elections would be prepared thoroughly by a fairly composed National Electoral Commission so that the ballot would take place timely in 2008, three years after signing the CPA. The expected role of the SPLM members in government and the national assembly was to push forward these issues within the GONU. Through the supposed fair share of southern Sudanese personnel in leading civil service positions, implementation would be facilitated, and the predominant vested interests of the old-established elite would no longer cause bureaucratic obstacles.

As a matter of fact, in November 2005 the interim national constitution was issued, incorporating the basic human rights, the basic rules for the formation of the transitional government and other requirements agreed upon in the CPA. The regional constitution and state constitutions were drafted accordingly during a controversial process between the main political parties. Then the positions in the GONU, GOSS and each of the 26 federal states were redistributed according to CPA, giving 52% of the cabinet posts and seats in the national assembly to NCP, 28% to SPLM, 14% to other northern and 6% to other southern forces.

In the regional government of South Sudan, the executive and legislature are each composed of 70% SPLM, 15% NCP and 15% representatives of other southern forces.

In the 16 northern federal states, the governments consist of 70% NCP and 10% SPLM, in the ten southern states of 70% SPLM and 10% NCP representatives, and 20% are filled by other southern and northern forces respectively. In the contested and severely war-affected states of South Kordofan and Blue Nile, the share of NCP is 55% and of SPLM 45% (Naivasha Protocol 2004).

The appointment of political representatives on all these levels took time, because it involved rude power struggles between the parties, other forces and party factions. This is particularly clearly reflected in the federal states, where the result of negotiations has been a great increase in the number of local administrative units. In several state governments and state assemblies, former militia leaders received positions, a compromise which made them agree on dissolving their armed groups and integrate them either in the national armed forces or SPLA.

This explains why the formation of the governments at the various levels was slow. But what are the reasons why the commissions have not yet been set up with the consequence, that there is neither transparency about oil revenues, nor a strategy to clarify land and water rights, nor employment of 20 to 30% of South Sudanese staff in the national civil service, and that preparations for the elections have not been done on time?

### *Power interests in South and North*

The SPLM is in a weak position in the central government. It has not insisted strongly enough in the timely implementation of the CPA. Besides objective disadvantages, this seems also to be due to a slow process of restructuring the movement into a proper political party, leadership weaknesses and a partial neglect of the role of SPLM at the national level in favour of concentrating on the regional level of governing.

In the South, the SPLM is struggling to gain power and control over its territory and the population. Political leaders have mostly concentrated on regional security, which is very obvious in the fact that the regional assembly earmarked nearly 40% of the budget for security, justice, law and order. This indicates that the GOSS is under pressure. It is struggling to control underpaid soldiers who used to fight for the liberation army and still carry arms. Moreover, the fear of the current ceasefire failing is not far fetched. That may happen if the elections in 2008 lead to a NCP loss, or if the referendum in 2011 goes in favour of Southern independence.

Amongst the ten federal states in the South, the oil-producing southern states are at an advantage. On top of oil revenues, they also enjoy the attention of the mostly Chinese or Malaysian petrol companies active in the region. These companies are interested in a viable road infrastructure. But petrol is still very expensive for local consumers. Oil is mostly exported, channelled through a pipeline to the Red Sea harbour of Port Sudan.

Meanwhile, important land issues remain unresolved. The oil fields are in areas to which refugees and displaced people want to return. Non-violent solutions are needed to balance the competing interests of oil investors and returning peasants and pastoralists. The investors, however, are backed by the GONU as well as by militias. In Jonglei, Bahr al-Ghazal and Upper Nile States, violence still flares up occasionally – involving militias, troops and armed local residents. Disarmament, demobilization and reintegration of armed groups is proceeding slowly. Neither the GONU, the GOSS nor international organizations are carrying out such programmes with sufficient commitment, continuity or funds.

The delays of implementation of the CPA and slow progress in development in South Sudan have also an impact on the return of displaced people and refugees to their home areas. Numerous people have come for a visit and returned to their places of refuge, others have remained in the South and

start from scratch with very limited assistance from the World Food Programme. Whilst on the one hand, a slow return may be recommendable to give the GOSS time to provide the necessary services, it may on the other hand distort the census and subsequently the referendum considerably.

One the part of the central government, one reason for delaying the implementation of the CPA is the interest of the NCP to stay in power. This is reflected in pertinent policies which aim to consolidate the predominance of an Islamic-Arabized culture on the territory of Sudan, however meanwhile with exception of South Sudan. One indication is the government-controlled broadcasting of the mass media that are mostly dispatching programmes with religious and cultural contents for Muslims, although there are several other religious communities, in particular in the huge city complex of Khartoum, Omdurman and Khartoum North.

A second reason is economic. The NCP is orientated towards neo-liberal parameters but at the same time, hardly takes any measures to encourage efficient bureaucratic performance by a merit-based employment policy or paying competitive salaries. Instead, public goods are determinedly privatized and public institutions commercialized by individuals who get senior positions through reshuffles and targeted appointments. Thus, key positions remain in the hands of the old-established Arabized-Muslim elite. Counterbalancing forces envisaged by the CPA, like trade unions and other interest associations, are continuously suppressed as soon as they raise political demands and criticize the government.

The main interest of the NCP, however, is to keep control over the oil sector. A geologic oil belt runs through Sudan, sharply along the border between north and South Sudan, with important oil fields in the South. However, in South Kordofan towards western Sudan there are oil fields in areas whose affiliation to North or South will be clarified only by the referenda in 2011. Other oil fields are expected to be located in Darfur, which is considered as part of northern Sudan. These conditions greatly determine the politics of GONU and explain the following particularities in implementing the CPA:

Although the Sudanese armed forces have been withdrawn from areas in South Sudan according to the schedule provided in the CPA, the remaining troops are now concentrated along the south-north border near the southern oil fields.

The north-south border commission, which should be in place due to CPA, has not yet finalized investigations and submitted their report. In particular the tensions about the highly contested oil-rich area in Abyei, which has been put under presidential authority until the border has been clarified, have even intensified, no solution is in sight.

Besides these indirect ways of undermining the basic principles of the CPA, the NCP has obstructed and delayed the required institutional reforms very openly: It has taken an unfair share of economic

key ministries, blocked the work of the National Petroleum Commission under legal pretexts, prevented the employment of southerners in the civil service according to schedule and postponed the establishment of the Land Commission and the Electoral Commission. The GONU has also put up obstacles to the work of UNMIS, banning it from monitoring the peace process in the oil-rich Abyei region at the border between north and South Sudan.

The aim of this policy of retardation seems to be to consolidate a precarious status quo in which the NCP dominates rule, while at the same time, it diverts concentration on the implementation of the CPA to other issues. For many months now, the war in Darfur and the insistence of the GONU in not admitting UN blue helmets to replace the troops of the African Union (AU) have been at the forefront of international attention. Although meanwhile, a compromise is in sight in terms of extending the AU mission whilst deploying UN military advisors in Darfur, the strategy to focus on war and not peace has been successful. The international public is no longer alert in monitoring the peace process and implementation of the CPA.

### **The Darfur Conflict in Its Regional Context**

The Darfur conflict cannot be detached from its sub-regional context. Already in its origins the conflict was related to the war between Chad and Libya in the 1980s. The interference of external powers – USA, France and SPLA against Libya and its ally, Sudan under al-Mahdi - created the currently deepened division along racial lines in Darfur (Harir 1994: 145-149).

A conglomerate of internal causes of conflict in Darfur provided the ground for this splitting up of society. Divisive administrative policies weakened local leadership and the policies of subsequent central governments continuously marginalized the region in terms of infrastructure and development programmes (Grawert 1998: 34-35, 74-75). Biased government interventions such as the arming of pastoralists under al-Mahdi (1986-89) and the creation of Janjaweed militias under the current president al-Bashir enhanced ethnic and racial tensions.

The tensions turned into war at the time when the peace process between the government of Sudan and SPLA was taking shape and an end of the civil war in the South became very likely, for three reasons:

1. The fact that the peace agreement would include a referendum for an independent South put the government of Sudan under pressure to consolidate rule in the northern part of the country which includes Darfur. The Sudanese society was already highly militarized and ethnicized resource conflicts were smouldering in Darfur. Hence militias could easily be formed and equipped and sent to ideologically loaded battles.
2. Economic interests complemented these political causes. The government continuously appropriated fertile land for mechanized farming by Arabized Muslim investors (Babiker and other

texts in Ahmed / Manger 2006). In the light of the possible separation of the South after the CPA, the rising hope that oil sources could be found in South Darfur and attract international investors has made this region an even more valuable asset for the NCP faction in the GONU. Apparently, the prospect of oil wealth has reinforced the government's claim of the national territory without considering to build a loyal micro-regional constituency among the population of Darfur.

3. From the perspective of the local elite in Darfur and parts of the Darfurian diaspora, the ceasefire in the Nuba Mountains (South Kordofan) in 2002 and the prospective peace in the South gave reason to believe that power and wealth sharing were exclusively for the benefit of the parties involved in the peace negotiations. Darfur and the eastern and northern regions of Sudan appeared to be doomed to further economic marginalization and political underrepresentation. This perception contributed to the re-emergence and new creation of armed resistance groups in Darfur. Among the Darfurian groups, violence apparently became the predominant means of expressing political demands for inclusion in power positions and wealth sharing, because also the SPLA had achieved these privileges through extended armed struggle.

The increased repression, use of armed militias, the so-called 'horsemen' or 'janjaweed', by the central government and the conclusion of the CPA without participation of other Sudanese interest organizations fuelled not only violence in the Darfur conflict. It also gave rise to enhanced armed conflict in Eastern Sudan, where the Beja Congress represents the interests of marginalized nomadic groups in the region, with a basis of support across the border with Eritrea and some support from one of the resistance groups of Darfur, the Justice and Equality Movement (JEM).

Hence, the negotiation of peace in the South, as another micro-region of Sudan, had a very strong impact on the relationship between micro-regional elites and the government of Sudan.

Accordingly, the success of the CPA has an opposite side: militant movements proliferate due to the insight that violence gives their demands a stronger voice than peaceful means of expression. This occurs in particular in a political environment where institutions for peaceful negotiation of societal interest have been highly constrained due to the post-colonial patterns of rule in Sudan.

A further regional component of the current conflict in Darfur stems again from the political and economic developments in neighbouring Chad. The perseverant ruler Déby tried to consolidate his power through oil incomes as well as through the recognition by external powers. This has materialized in particular in the World Bank-guided institutional framework for national redistribution of oil incomes. A temporary pacification of the Chadian armed resistance groups through inclusive measures came to an immediate end as soon as Déby began to misuse the oil funds for arming his security guard. Armed groups proliferated again and partly joined forces with

Darfurian resistance groups from the same tribal background.

Since 2005, armed splinter groups also mushroomed in Darfur and began not only to fight against the militias, but also each other, causing increased suffering of civilians in the region. The civilian population suffered from severe human rights violations, rapes and mass executions. Some of the Darfurian groups united with the Chadian armed groups on the basis of a struggle for more rights for the Zaghawa on both sides of the border. The leaders of the armed groups were local elites and army officers, and the ethnic tendency came from the alleged neglect of Zaghawa interests by both the governments of Idris Déby in Chad and the Sudanese government.

Peace negotiations between the government of Sudan and the Sudanese resistance groups in Abuja in Nigeria, and in particular the signature of an agreement with only one resistance group, the Sudan Liberation Army / Movement (SLM/A) in May 2006, apparently increased the hostilities and divisions amongst the fighting groups. This weakened the movement for inclusion and the right to power and development in Darfur and strengthened the uncompromising position of the Sudanese government. From similar experiences during the civil war with SPLA, it can be assumed that splitting resistance - divide and rule - is a deliberate strategy of the government, which seems to work out successfully in favour for the government in the case of Darfur.

The GONU and the Chadian government backed resistance groups fighting against the respective other government. Since these groups operate across the boundary, intrusions of armed forces of each country into the neighbouring country have been occurring and led to temporary cancellation of diplomatic relations and mutual accusations. Attempts to renew an alliance between the two governments failed several times, since components of the respective governments supported resistance groups according to overriding ethnic loyalties or economic gains within the scramble for mineral resources.

Foreign oil companies add a further dimension to the conflict due to their interest coalition with the respective central governments in clearing land for the desired economic exploitation. This has resulted in fragile socio-political relations in the border area between Chad and Sudan. In such an environment it is much more likely that arms speak instead of groups who advocate rights for marginalized and deprived population groups. The interfaces of global competition for mineral resources and strategic interests with local and regional resource conflicts, as occurring in the Chadian-Sudanese border area, are hotbeds of violence.

Attempts to conclude peace agreements between the GONU and Darfurian armed groups have

largely failed for two main reasons:

1. The NCP faction has no interest in dealing with the Darfur conflict in political terms as it had done with SPLA. Not only the government of Sudan but even the international powers involved in peace talks considered the Darfur conflict as being disconnected from the political issues between South and North Sudan and treated it as "a matter of security" (Deng 2004: 115) instead of a political problem. Hence the insistence on solving the Darfur problem through military means on the part of the Sudanese government as well as AU and UN forces.
2. The Darfur Peace Agreement that was concluded between the GONU and the SLA in May 2006 has led to the proliferation of further armed groups who partly have linked up with Chadian resistance groups and fought against the Sudanese government, the government-backed militias and the SLA. Splitting the Darfurian movement and thus weakening its force appears to be mainly a result of the Sudanese government's long-established divide and rule policy.

In history, 'tribes' have never been clearly demarcated but, according to political and economic conditions, either split up into particular sub-groups, or they were coopted and affiliated into larger units. Power and wealth sharing agreements seem to be institutions that lead to splits into more and ever smaller tribal units and encourage tribal groups to use military means to demand a share of wealth and power. If this is the case, such agreements can hardly ever reach comprehensiveness. Consequently, if sub-regional peace is the aim, the formula of power and wealth sharing has to be questioned. But first of all, the question has to be raised how powerful sub-regional actors perceive the current mixture of conflict and peace processes in Sudan?

### **Perceptions of the Peace Process by Political Actors in Kenya**

Nairobi had been the main political centre of SPLA/M abroad during the civil war. The Kenyan capital had also hosted the head offices of most of the humanitarian aid agencies operating in South Sudan. Moreover, IGAD has its headquarters in Nairobi and is chaired by the Kenyan president. The key mediator of the peace in South Sudan between 1989 and 2005, General Lazaro Sumebeiywo, had been the special envoy of the previous Kenyan president Daniel Arap Moi. There is also a Kenyan-Southern Sudanese Liason Office (KESULO), reflecting the long-established relations of the Kenyan government with the Sudanese political diaspora. A further important office is the 'Sudanese Relief and Rehabilitation Commission' (SRRC), a state authority of the GOSS, which has shifted its headquarter from Nairobi to Juba after the CPA and coordinates humanitarian and development organizations in South Sudan. It is in particular involved in the repatriation of refugees and internally displaced people (IDPs). The SRRC has liason offices in most of the countries neighbouring South Sudan and still runs its office in Nairobi. The official body

representing the GOSS in IGAD is the newly created Ministry for Regional Cooperation in Juba, whereas the SRRC office in Nairobi has no connection with IGAD.

Representatives of these institutions gave assessments of the sub-regional impact of CPA and future challenges during interviews conducted with the author and George Katete in February and March 2007. Main topics were the role of refugees and expected changes due to repatriation, the security situation along the boundary between Kenya and South Sudan and the economic relations. A burning issue were the shortcomings in the implementation of the CPA. During discussions, the informants elaborated on the challenges for the Kenyan and sub-regional institutions to deal with the threat of failure of the CPA. The results are complemented by authors' findings and summarized subsequently.

### *Refugees in Kenya*

Refugees living in camps used to receive humanitarian aid and basic infrastructure from numerous international agencies. The best-equipped refugee camp around South Sudan is Kakuma in northern Kenya which was erected in 1991 and currently hosts an estimated 79,000 Southern Sudanese refugees besides about 20,000 Somalis, Ethiopians and small numbers of refugees from other countries. The surrounding population has already benefitted from free schooling, access to water and the thriving market inside the camp, which is open to the local society. The standard of living in the camp is higher than anywhere in South Sudan. This contributes to reluctance of many refugees to leave.

Nevertheless, a larger number of refugees are living outside the refugee camps than inside. Due to the support they get from family members and sometimes other sponsors, the Southern Sudanese have become important contributors to the Kenyan economy as consumers. If they leave the country in large numbers, this will affect the local economies in the settlements of refugees in the Rift Valley. They will have to readjust to the needs of the local inhabitants who are mostly cultivators. The better-off Southern Sudanese refugees and the political diaspora used to rent houses and offices in Nairobi. After the CPA, they gradually moved offices to Juba and quitted their apartments. This has already caused problems for the housing market in Kenya.

### *Economic and political relations between Kenya and South Sudan*

Kenyan constructors, investors and traders have been active in South Sudan throughout the civil war. After the CPA, their numbers have greatly increased. Access to South Sudan is easy, since the customs and border regulations have remained the same favourable 'SPLA tariffs' as during the civil war and not yet been harmonized with the GONU. The Kenyan economic actors benefit from the high demand for infrastructure and services in the Southern Sudanese towns. Skilled workers,

teachers and nurses earn much higher wages there than in Kenya. Entrepreneurs are making profit from the rising rents and in particular by erecting the tent camps which serve as temporary hotels in Juba and the capitals of the Southern federal states. The KESSULO deputy director Aloo estimates the number of Kenyans working in South Sudan at 30,000 persons.

Moreover, agreements for capacity building have been concluded between the two governments. The Ministries of Education of the GOSS and the Kenyan government have started a programme to send Kenyan teachers to schools in South Sudan where they work as employees paid by the GOSS. Recruitment of Kenyan teachers for schools in some federal states of South Sudan upon initiatives of individual governors occur also without involvement of the GOSS. On the other hand, government employees from South Sudan go for training and capacity building to Kenya in order to improve the performance of the South Sudanese ministries.

From the Kenyan perspective, successful implementation of the CPA may open the door for negotiating membership of the Sudan in the East African Community. This would ease access also for Kenyan entrepreneurs and traders to the northern African and Arab markets.

#### *Insecurity at the boundaries*

During the civil war, besides the Sudanese armed forces and SPLA, numerous other groups carried arms. Arms trade concentrated in particular in the border areas around South Sudan. The availability of guns from the various armed groups in South Sudan and Somalia has led to a significant increase of armed robbery in Kenya which affects not only the border, but also urban areas including Nairobi. Along the Sudanese-Kenyan boundary, fighting between the Toposa in South Sudan and the adjacent Turkana in Kenya has become a great problem. According to the SRRC representative in Nairobi, Peter Pur Nienkel, this can only be solved by agreements on disarmament between the Kenyan government and GOSS, an issue that has not yet been addressed seriously.

#### *Fears of failure of the CPA*

Besides the above mentioned threats for the peace in South Sudan if the CPA is not implemented properly, some of the senior officials also consider the international power relations and particular economic interests.

The SRRC representative Nienkel warns that CPA will collapse if the boundary issue between North and South Sudan, and in particular at Abyei, is not solved before the referendum about independence of the South. He points out that the Sudanese armed forces have been assembled along the border in Upper Nile, Bentiu and in Abyei. According to him, it is high time that "people shout and talk about the border issues right now". In his view, the only issue that counts is oil, and

oil is produced only in the South. Since the government in Khartoum expects the Southern Sudanese to vote for separation in 2011, it presses the GOSS by all means to accept the border according to the northern claims, which would place important oil fields on the northern side.

Intransparency of the amount of oil revenues, the proportional redistribution of which has been clearly fixed in the CPA, is a further reason for worry. The NCP-headed Ministry of Energy and Mining had neither made available to the GOSS any figures about the amount of oil produced per day, nor the percentage that the Chinese shareholders in the oil companies are deducting. The government of Sudan has rejected any amendments in the existing oil contracts which would allow the GOSS to become a partner, as well.

Charles Aloo, the Deputy Director of KESSULO, considers the interest of states and multinational companies in oil exploitation, trade and business relations with a prospering Sudan as the main constraint to determined action with regard to the CPA implementation. Even after the Islamist leader Turabi was disempowered, a faction of the ruling elite in Sudan has remained well connected to international trading structures with Arab-Islamic countries and Asia. Even with some European and American companies, business relations linked to oil production, such as provision of pipelines and pumping systems, persist. Due to these relationships, this faction in the GONU has been able to manipulate business-oriented powers to their advantage. This has also been the background for the paralysis of the UN Security Council regarding a robust mandate in Darfur.

Disarmament in previously insecure parts of South Sudan such as Equatoria and Jonglei States has proceeded well. However, the security requirements of the CPA have failed with regard to dissolving the government-sponsored militias in Malakal / Upper Nile State and Raja / Northern Bahr al-Ghazal State, where bloody incidences occurred in the end of 2006. According to Nienkel, the situation is complicated, because the respective militia leaders claim to have become part of the SPLA, but in fact, they have not. After the killings, the leaders were supposed to be released to the SPLA, but instead, they were flown to Khartoum. In Malakal, these maneuvers took place under the protection of the governor, who according to the rules of proportion in CPA, is a representative of the NCP. According to Nienkel, the central government uses these false claims as a proof that the South is not united.

Regarding the ongoing conflicts in other parts of Sudan, the SRRC representative holds that Darfur will not be left out of the peace process. He explains the emergence of the conflicts in Darfur and Eastern Sudan as a result of the claim of the South for representation and inclusion in economic and political terms. He regards these conflicts as affecting Sudan as a whole which cannot be considered

separately from the CPA implementation.

The comments of the senior officers clarify that strict fulfilment of the CPA is in the interest of the SPLM and hence, the SPLM-dominated GOSS, but less so in that of the NCP. Consequently, if there is an interest in the peace process in Sudan according to the roadmap fixed in the CPA, international pressure has to be put on the NCP to stick to the schedule.

### **Lacking Commitment of External Powers for the CPA**

With the speech of the Southern Sudanese president Salva Kiir, the GOSS has made officially known that the CPA is in danger. The external powers are required to act, first of all IGAD, the IGAD Partners' Forum and the UN as official participants in the peace process.

The full implementation of the CPA is in the interest of the whole sub-region of the Greater Horn, because a renewal of civil war would incur tremendous costs. According to the KESSULO representative Aloo, in that case Sudan would become another 'failed state' like Somalia, an unbearable situation for the remaining countries. The neighbouring countries fear Sudan as the only theocratic state in the sub-region, because it sends out forces to mobilize Islamist groups like in Eritrea and the Sharia Court militias in Somalia or supports armed opponents against neighbouring governments, such as the Lord's Resistance Army (LRA) in Uganda.

Aloo draws four scenarios of the future of Sudan:

- Secession of the South.
- Resumption of the war between South and North, but worse than the previous one, because this time the SPLA/M will be present in the whole country. This will lead to endless negotiations and humanitarian disasters affecting all parts of Sudan.
- A total state collapse with subsequent fighting of many armed groups against each other, predominantly amongst Southerners. Arms trade into the neighbouring countries will flourish and destabilize the whole region.
- A federal system of government with full implementation of the CPA and sustainable peace.

Under these conditions, economic prosperity is expected for the whole region.

However, monitoring by the signatories of the CPA is missing. IGAD has the mandate and should be the first to raise its voice against violations of the CPA or reluctant implementation. But a meeting of the IGAD ministers with the CPA on top of the agenda, scheduled for January 2007, was postponed. In April, the IGAD council of the foreign affairs ministers in IGAD called for an urgent summit of the IGAD heads of state on the CPA implementation which has not yet been convened. According to the director of the Horn of Africa Department of the Kenyan Ministry Ngessu, IGAD

aims primarily at regional development and hence does not have a strategy for peace and security. Since recently, IGAD is working on a regional architecture and within this framework, a special envoy to follow-up the CPA implementation may be appointed.

The deputy director of KESSULO claims that IGAD will never divide the issues about Sudan. According to him, the CPA ought to be the basis on which also the conflicts in Darfur and Eastern Sudan may be tackled in the future. Since the opportunity to include the whole Sudan into the CPA from the outset has been missed, this may only be possible if the peace in the South becomes stable. In the same context, the SPLM representative in Kenya Nduku reveals that the SPLM leadership has suggested to deal with Darfur the same way as the contested areas of the Nuba Mountains / South Kordofan and Blue Nile States. However, there is no institutional framework yet which would take up this option.

The role of the AU in the Sudan peace process is weak. It is not involved in monitoring implementation of the CPA. The AU hosted the Darfur Peace Agreement between the GONU and the SLA/M, but refused to involve IGAD. Instead, the leading powers in the Darfur peace talks were the governments of the USA and Great Britain. During an interview in March 2007, the CPA mediator Sumbeiywo stated that these powers tried to get a "quick fix. But there is no quick fix in Sudan". This has to be considered as a further constraint to make use of IGAD in the process. Apparently the sub-regional and international institutions which have competency and experience about the peace process in Sudan and are aware of the threats for the sub-region in case of its failure are not linked up to an optimum extent. The knowledge and experience IGAD had gained during the negotiations between the GOS and SPLA might have been an asset in the Darfur peace talks.

At the international level, most of the participating governments in the IGAD Partners' Forum abrogated any political support of the CPA implementation process and remained only visible in their role as donors. Norway seems to be the only exception in this respect.

UNMIS has not fulfilled its task properly with regard to the security aspects of the CPA. Disarmament of militias and integration in the Sudanese armed forces, SPLA or joint military units has not been successfully completed. From his perspective as an army officer, Sumbeiywo points to the failure of the UNMIS to anticipate violent events and assess their probability. Instead they report such incidents only afterwards.

Hence, spaces for intransparent and unmonitored activities of militias within the forces seem to have grown. The removal of the SAF from the South has come to a standstill along the north-south boundary. This makes the clarification of the border by the boundary commission even more urgent.

The Assessment and Evaluation Commission that had been set up by the UN has proved to be ineffective and thus, another weak institution unable to properly back the implementation of the CPA in Sudan. According to Sumbeiywo, it has been hijacked by the NCP and hence lost credibility.

According to Sumbeiywo, a further problem was the role of the Special Representative of the Secretary General of the UN in Sudan Jan Pronk, who did not stick to the task of monitoring the implementation of the CPA but turned all attention to the Darfur conflict.

The representative of the GOSS in Kenya, John Andruga Duku, makes the point that the CPA was possible because of the commitment and pressure of the international community. However, pressure on the NCP was removed after signing the agreement. To make it fulfil its obligations, continuous international monitoring and pressure on the GONU will be required. According to the KESSULO deputy director Aloo, a combined effort of media, NGOs, UN agencies, the Council of Churches, and political parties to raise public attention towards the shortcomings in the implementation of the CPA may be a means to put the NCP under pressure. However, these organizations went to silence after the CPA was signed in 2005.

## **Conclusion**

The peace process in Sudan has not come to a standstill, but after some initial progress, it has been slowed down and reached a point where it is touch and go whether the required steps will be done or not. The demand to create a regional government of South Sudan and a federal system with local governments proportionally composed of the main political parties has been fulfilled in the South and most parts of the north with the exception of South Kordofan and Abyei, where severe tensions continue to occur. The solution of these tensions and hence, the complete fulfilment of power sharing according to the CPA depends on an agreement on the course of the boundary between North and South Sudan. This has been obstructed by the NCP which apparently tries to force the SPLM to accept a boundary which leaves part of the oil fields in the North.

This has implications on the proper implementation of the wealth sharing agreement the basis of which is a clear definition of the oil income derived in the South. The precondition is again to clarify which areas of the oil belt belong to the South and hence, the course of the boundary. The criticism of Salva Kiir and others about intransparency of the distribution of oil incomes and lack of access for the GOSS to existing contracts with oil companies has its ultimate ground in this missing clarification as well.

The standstill in relocating the troops of the SAF to the North and SPLA to the South that is visible

in the amassing of soldiers along the north-south borders indicates the growing tension and the threat of new conflict. The hesitant dissolution of NCP-sponsored militias in these areas has already led to deadly clashes in Malakal and Raja. UNMIS whose task according to CPA is to reorganize the two armies in cooperation with the SAF and SPLA leadership has failed to control this process that was meant to improve security in Sudan.

On the other hand, UNMIS and SPLA have managed to disarm most of the militias and other armed splinter groups in the South so that security has spread to previously inaccessible areas. NGOs have continued to demine the South and South Kordofan so that a growing space can be used for cultivation, building and pastures.

The GOSS, strongly supported by international aid agencies, has taken steps to enhance development in the former war areas. However, services and infrastructure are still weak, and the capacities of the government institutions low. The standard of living in the South is low. These uncertainties keep large numbers of refugees and IDPs staying in their places of refuge, in particular in Kenya and Greater Khartoum, where aid agencies have established high-level services.

The slow progress of repatriation and return has two sides: It prevents a further overburdening of the weak service and infrastructural conditions in the South. On the other hand, it will lead to a highly distorted population census, which will be the basis of forming constituencies for the elections scheduled for 2008 and the referendum about independence of the South planned for 2011.

The outbreak of war in Darfur was clearly related to the progress in peace negotiations between the government of Sudan and SPLA which promised to end marginalization and unfair distribution of power for the South. The peace process made it obvious that demands for political inclusion and economic redistribution can be fought out. However, neither the government of Sudan nor IGAD and the representatives of the Partners' Forum were ready to open peace negotiations to further parties. Currently there are four differing positions. The GONU continues to consider Darfur as a security issue that has to be solved by military means without more interference than the monitoring by AU troops. The GOSS, western European powers and the USA demand a mandate for the UN to intervene. China would agree with limited UN support for the AU forces. Kenyan government representatives consider CPA as a basis on which future peace agreements could be built with mediation of IGAD.

A solution of the Darfur conflict is urgent in order to stop further killing of civilians, further displacement of the population and further erosion of local institutions and livelihood systems. In particular along the Chadian boundary, hotbeds of violence have developed due to overlaps of

Chadian and Sudanese conflicts, which are both ethnicized and to some extent acquired racist characteristics. The basis for this have been tribal groups living on both sides of the boundary which easily form alliances across the border. They have been instrumentalized by governmental mobilizers as well as resistance groups pursuing various political aims.

The case of Sudan and Chad shows how the mixture of war and peace in Sudan affects the sub-region. In Kenya, another mixture has taken shape. Intensified economic relations, labour migration and investment prosper side by side with illegal arms trade and enhanced violence along the Kenyan-Sudanese border areas. The Chadian government has involved itself in the conflict and even temporarily declared war against the GONU. The Kenyan government took initiatives in peace negotiations and exerted a tolerant policy towards the Sudanese diaspora which allowed political activities that laid the foundation to form the GOSS.

All other neighbouring countries have been affected by conflict and peace in Sudan between these two extremes, with differences in the degree of political involvement and sides taken.

Political analysts agree that a failure of CPA would increase suffering of the whole sub-region of the Greater Horn to an unprecedented level. Under the conditions of the current setbacks and threats to the timely implementation of the CPA in Sudan, to avoid its failure is a challenge primarily for IGAD, the Partners' Forum, the AU and the UN.

Pressure on the factions of the GONU which cause the delay towards following the results submitted by the north-south boundary commission needs to become a major responsibility of IGAD and at least some members of the Partners' Forum.

Close monitoring of the fulfilment of the security regulations in the CPA and enhanced intervention in dissolving militias in the oil belt and relocating SAF and SPLA are tasks of UNMIS which have to be done more determinedly in order to stick to the CPA and avoid further clashes.

Institutional cooperation and building on each other's capacities is required in the peace negotiations about Darfur. A mandate for the IGAD experts that were involved in the CPA may be a constructive option. A political solution will be required in order to achieve security in the micro-region in the long run. This implies that representatives from other marginalized areas in Sudan have to be involved from the outset. Moreover, inclusion of armed resistance groups and exclusion of groups raising demands peacefully has proven to be a dangerous strategy that may lead to more groups taking up arms to make themselves heard. Limited power sharing agreements between militant elites cause grievance of excluded groups. Enhanced by divide and rule politics of the government, the formation of new factions of armed groups waging war against the parties of the peace agreements will be the consequence. Given the complexity of the sub-regional conflicts and

the wide range of stakeholders involved, this exclusiveness cannot be justified.

In order to overcome the threat of ethnicized results of peace negotiations, IGAD would have to build on existing approaches of compiling ethnic groups to overarching units that allow diversity but satisfy common needs have to be strengthened. This could lead to a reversal of the unfortunate link of armed struggle with access to a share of power and wealth and include those groups of society which have remained silent. Such an approach will have to focus on economic needs and rights to basic resources.

Moreover, instead of a formula of proportional wealth sharing which tends to provoke greed, rather high investment in development of the conflictive sub-region, as a whole, will bear a solution that promises lasting peace. Hence, within a sustainable regional approach of peace building, IGAD could address those economic networks that exist already in the border areas and lift them up by providing them with infrastructure and other public goods. This implies a reorientation towards structural policy with a significant role of public institutions in the economy. An approach of strengthening border areas by targeted provision with public goods would include the construction of a viable infrastructure of roads, trains, wells and water reservoirs in the region and the regulation of access through a participative institutional system. This should be based on positive local historical experiences but in addition, incorporate solutions for those whose access had previously been marginalized. Public goods to be provided in the border lands would include health and education, veterinary and agricultural extension services, communication and training facilities in a broad variety of professional fields. Funding can be based on both oil revenues and development funds. In this case, the activities of international agencies and bilateral donors will have to be coordinated in a transparent way by regional institutions such as IGAD (Studdard, 2004). In addition, new institutions have to be involved in sub-regional development. They could be initiated by regional stakeholders and include parties that are not actively involved in violent conflict but represent societal demands. In transition regimes these might be groups that have just been transformed into political parties.

A further challenge for IGAD would be to put pressure on the oil consortia which tend to compete recklessly in the framework of the global scramble for oil between companies from the old industrialized countries and the newly industrializing countries that need tremendous energy resources. This scramble takes place at the expense of the local population, since the oil consortia appropriate land and destroy the environment with assistance of authoritarian regimes. Regulations towards sustainable use of land and environment in the oil belt of the Greater Horn are urgently required.

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