

FACULDADE DE ECONOMIA DA UNIVERSIDADE DE COIMBRA

**PROGRAMA DE DOUTORAMENTO EM POLÍTICA INTERNACIONAL E
RESOLUÇÃO DE CONFLITOS**

PhD Dissertation

**THE (IN)VISIBILITIES OF WAR AND PEACE IN SUDAN: A CRITICAL
ANALYSIS OF DOMINANT CONFLICT RESOLUTION AND
PEACEBUILDING STRATEGIES**



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DANIELA RUTE DOS SANTOS NASCIMENTO

2009

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AND PEACEBUILDING STRATEGIES**

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LIST OF ACRONYMS AND ABBREVIATIONS

AI- Amnesty International

AU- African Union (formerly the Organisation of African Unity)

EU- European Union

GoS- Government of Sudan

GoSS- Government of South Sudan

HRW- Human Rights Watch

ICG- International Crisis Group

IGAD- Intergovernmental Authority on Development

JEM- Justice and Equality Movement

LICUS- Low-income countries under stress

NCP- National Congress Party

NDA- National Democratic Alliance (an umbrella organisation of the Sudanese opposition forces after the Muslim Brothers' coup of 30 June 1989)

NIF- National Islamic Front

SLA- Sudan Liberation Army

SPLM/A- Sudan People's Liberation Movement/Army

UN- United Nations

UNDP- United Nations Development Programme

UNHCR- United Nations High Commission for Refugees

UNHCHR- United Nations High Commission for Human Rights

WB- World Bank

WFP- World Food Programme

*'El respeto al derecho ajeno es la paz
Respect for the rights of another, that is peace'*
(A Mexican American Proverb)

INTRODUCTION

In current dominant research, the analysis and interpretation of conflicts has become a somehow dangerously simplistic exercise. Looking mainly from the distance and from a western, developed and relatively comfortable socio-economic perspective, one's capacity to fully understand and explain conflict in the so-called Third World can be appallingly limited and perverse. In fact, it seems much easier to look at such conflicts as inevitable barbarian struggles between peoples who cannot coexist due to their ancestral and primordial ethnic, religious or cultural differences. Furthermore, such an interpretation can be a comfortable one also, since it gives us the idea that there is not much we can do to prevent or solve them, or at least that our capacity to get involved should be a very limited one. Furthermore, all actions from external actors tend to simply artificially contain tensions that, sooner or later, will give place to violence and conflict.

Our analysis, however, departs from a very different positioning and calls for a significantly different approach to conflict prevention and/or resolution in divided societies. In fact, even if a great number of contemporary conflicts is characterised by important ethnic, religious and cultural dimensions, it must also be acknowledged that they incorporate indisputable underlying political, economic and social causes. At the same time, such complex conflicts, especially internal ones, have always been an important source of poverty and underdevelopment in the so-called low income countries under stress (LICUS).

The progressive perception of the threat to regional and international security and stability posed by these conflicts situated especially in many African countries, led

the developed world to some awareness of how important it was to help contain and solve internal violence abroad. In fact, since the end of the Cold-War, there was an important push towards various forms of international intervention in conflict scenarios, especially in the so-called third world, increasingly – or at least more visibly- characterised by violent and enduring internal conflict. This ‘new interventionism’ was basically characterised by a new and very simplistic and perverse representation of the periphery of the world system as a sort of failure of the modernity project. According to this view, the result has been the multiplication of the so-called failed states which create the conditions for the emergence of ‘new wars’, mainly internal and characterised by new actors and forms of violence. The external diagnosis of these new wars gave way to an also inevitably external therapeutic, aimed at containing instability and violence in that same periphery. This in turn led to an increasing consensus on the need for a wide and comprehensive range of conflict prevention strategies, namely at the level of most international and regional organisations such as the United Nations, the European Union, the Organisation for Security and Cooperation in Europe or even the African Union. The definition and implementation of models and strategies for conflict prevention and peace building has thus been a feature ever since the 1990s but it has also undergone significant change and developments, according to the needs and priorities of the main external actors.

Despite recognising the importance of these developments in response to violent and long-lasting internal conflicts, this thesis presents a critical analysis and evaluation of such approaches to conflict and peace and which have often been characterised by rushing post-conflict societies towards liberal democracy and market economy and

thus resulting in a very limited strategy for preventing a return to violence in countries that experienced protracted internal conflict (Dodson, 2006:245) In fact, in the dominant literature and practice of conflict prevention and peace building, for example, the effective consideration of the role of socio-economic inequalities and, consequently, of the fundamental character of economic and social rights, is frequently undermined and it usually results in an almost exclusive emphasis on the democratisation approach based on civil and political rights and/or on counterproductive economic conditionality imposed by external actors.

Contrary to some approaches that question if the root causes of internal conflict truly matter in the efforts to prevent or resolve conflicts, we here underline the importance of such causes. By presenting the dominant prevention and peace building approaches as limited and insufficient both in identifying the deeper causes of conflict and underdevelopment in divided countries and in tackling the deeper needs of the population, this thesis thus departs from the assumption that to better and most effectively prevent conflicts and build sustainable peace in such contexts it is crucial to make a rigorous diagnosis of a conflicts' multiple and complex causes. In such contexts, this includes, among other things, a thorough assessment of the economic and social rights situation of the population in general and of certain rights in particular.

More specifically, the aim of this thesis is twofold: first, to identify and discuss the dominant explanations on the origins of violent armed conflict; secondly, to critically analyse the changes and evolution in the traditional and dominant models to resolve conflicts and build peace, by stressing their limited agenda and priorities and the way in which they tend to obscure much more complex inequalities and dynamics that

sustain and reproduce conflict. With this analysis, we aim to argue that effective and sustainable strategies imply recognising and addressing the more complex inequalities at stake, suggesting the need for deconstructing simplistic views of ethnicity, religion and of the multiple actors involved in conflict.

For this purpose, we focus on the long lasting North-South conflict in Sudan – which opposed the Muslim government of Khartoum and the Christian rebels in the South (Sudan People’s Liberation Movement/Army- SPLM/A)- and where the traditional narratives evolved from a simplistic interpretation of conflict based on religious differences between a Muslim North and a Christian South to one that added the importance of more structural and visible inequalities of the Southern population and where resolution efforts culminated with the signing of a Comprehensive Peace Agreement in 2005. According to our analysis, however, these strategies are still based on general and flawed assumptions that end up reproducing and perpetuating more invisible and complex group inequalities in the South and that render peace in Southern Sudan extremely fragile. The analysis of the case-study will first attempt to contribute to a broader and deeper understanding of the multiple origins of this country’s recurring civil wars, by focusing on the underlying variables and factors that are not usually addressed, such as socio-economic inequality and marginalisation among different groups, and which may undermine the achievement of a definitive and lasting peace in the country. Secondly, and more importantly, from a rigorous analysis of the dynamics of a long and complex peace process between the North and the South, we’ll also try to understand if and how economic and social rights have been effectively included and implemented as a part of the agreements and considered as crucial for the success of the peace agreement. With the case study of

Sudan, a country which fits well in the profile of an ethnically and religiously divided society in conflict, we will try to answer several questions, namely how do internal and external actors involved in the peace process view the causes and processes of the Sudanese conflict and how are their different views reflected or not in the final peace agreement as a result of a social and political process? How engaged were external actors and what consideration was given to economic and social rights and needs in the CPA?

The expected outcome of the research is thus to develop a comprehensive understanding of the intersections between complex social, economic, political and cultural processes and dynamics of violent conflict in divided societies, as well as to acquire both comprehensive and critical knowledge of the theoretical approaches and debates regarding contemporary forms of violent conflict and conflict transformation, and skill to engage with their multiple causes and consequences at local, national and global levels.

Therefore, and having as its underlying thematic the relevant, if not crucial, role of economic, social and cultural rights in conflict prevention and post conflict reconstruction strategies, this analysis will thus attempt to answer the following question:

‘Have the peace efforts, namely the Comprehensive Peace Agreement, been in-depth enough to effectively resolve conflict and build a sustainable peace in Southern Sudan?’

Drawing from the case-study of Sudan, and more specifically from the Comprehensive Peace Agreement between the North and the South, we intend to demonstrate that dominant prevention and peace building strategies in contexts

experiencing such variable and complex dynamics can only be effective and successful in achieving sustainable peace if they incorporate the respect and fulfilment of economic and social rights as fundamental and intrinsically linked to their civil and political counterparts.

Structure of the research and theoretical justification

One of the main justifications for this research lies in the lack of systematic research on adequate strategies for dealing peacefully with conflicts which include not only religious and ethnic dimensions, but also and above all deep socio-economic fractures. The role of these dimensions in conflict is, at the same time, often misunderstood, leading to largely ineffective responses based on distorted assumptions. In fact, although the literature on the underlying causes and factors of internal conflicts in ethnically and/or religiously divided societies is relatively well-developed, the majority of the analysis of current conflicts taking place in such contexts tends to focus mainly on the primordial role that existing ethnic or religious divisions play in the eruption and perpetuation of such conflicts. Since many groups of people fight together perceiving themselves as belonging to a common culture (ethnic or religious) there is a tendency to attribute wars to 'primordial' ethnic passions, which makes them seem intractable. However, this is a flawed view of such conflicts, attempting to divert attention from crucial underlying economic, social and political causes (Stewart, 2002:342). Consequently, dominant prevention and reconstruction models and strategies tend to focus on responses that privilege the civil and political inclusion and participation of specific groups in society and government, and thus undermining the importance of structures for full economic

and social participation. These strategies are also often marked by a tendency to ignore or obscure more invisible forms of inequality and that may become potential sources of violent conflict.

In order to achieve the above mentioned goals, the thesis will be structured in two main parts. The first consists of the theoretical debates that will frame and guide our arguments and hypotheses. In chapter one, and departing from a theoretical debate that opposes the various possible interpretations in what concerns the role of ethnic and religious cleavages play as causes of conflicts, we aim to overcome and deconstruct the views that consider primordial loyalties as exclusive variables to interpret and justify conflicts. By making this debate clear, we expect to provide a basis for a more accurate and complete theoretical and empirical analysis of conflict with such characteristics, which will also allow for an alternative approach to conflict prevention and peace building in which the role played by continued forms of exclusion and socio-economic marginalisation of specific groups is taken into due account. Focus will be given to both instrumentalist and constructivist visions according to which, ethnic, religious or cultural factors are viewed as important variables, but mainly because they are either instrumentalised or constructed in order to be used for the perpetuation and maintenance of inequalities between different groups and to hide the deeper causes of these conflicts, namely the socio-economic inequalities. The underlying assumption here is that the increasing politicisation of religious, ethnic or cultural traditions and the radicalisation of several specific communities are especially linked to moments of economic degradation and social disintegration. In such contexts, marginalised or threatened groups tend to focus and

concentrate on their specific traditions and specificities in search for an alternative political order that satisfies their well-being, recognition and security needs.

This first theoretical debate will then be applied to the case study of Sudan, where the long-lasting conflict opposing Muslim and Christian groups has been frequently interpreted simply according to the primordialist thesis. We will then try to deconstruct the common view that has contributed to an interpretation of the Sudanese conflict as struggles between different groups that cannot coexist due to their different ethnic or religious nature and, therefore, as endemic and unavoidable. As a consequence, attempts to bring the conflict to an end have often failed to go beyond such arguments and address the deep socio-economic inequalities and which reinforces ethnic or religious dividing lines. We will also present and develop the main theoretical framework for our analysis, which will focus on Edward Azar's theory of protracted social conflict. This will be presented as a most appropriate analytical framework to understand the dynamics and processes of conflict in divided societies. This theory identifies some of the most important pre-conditions for conflict in divided contexts: the *communal content* (existence of different ethnic/religious groups) of the society, *deprivation of human needs* (economic neglect, social and political exclusion), type of *governance and the role of state*, and *international linkages*. These pre-conditions - which in isolation do not necessarily lead to conflict - are then linked and associated to some triggering factors and processes and which are grouped in three clusters of variables: *group actions and strategies*, *state actions and strategies* and *built-in mechanisms of conflict*.

According to this theory, protracted social conflicts occur when certain groups and communities are deprived of satisfaction of their basic economic, social and cultural

needs by the government on the basis of their communal identity, a process that results from a complex causal chain involving the role of the state and the pattern of international linkages (Azar, 1990: 12). This theory will also be complemented with other theoretical approaches such as Galtung's theory of structural peace or John Burton's theory of human needs, which emphasise the structural and deeper socio-economic dimensions of peace and conflict. This inclusion of these theoretical views is considered important since they help clarifying the crucial importance of equal and just socio-economic structures in societies where inequality, exclusion and disrespect for people's rights and needs may create the conditions for violent conflict to emerge. This analytical framework will thus provide the basis for our main argument which assumes that paying due attention to the social and economic rights and needs of the population in conflict-prone societies is crucial for preventing the (re)emergence of conflict and achieving sustainable peace.

In chapter two we will analyse and evaluate if and how the pre-conditions and processes suggested in the previous chapter are actually understood and incorporated in dominant approaches to conflict prevention and peace building. This chapter aims basically to make a general overview of such models and strategies of conflict prevention and peace building and to identify some of what we consider to be their main gaps and limitations when applied to divided societies undergoing or emerging from violent conflict, namely their general tendency to universalise a very limited approach to human rights which emphasises the civil and political dimension of rights and undermines the so-called second generation rights (economic, social and cultural)-, as well as their implementation in divided societies.

Finally, and after having critically analysed some of the main dynamics and conditions for conflict and also having pointed out the main shortcomings and gaps in dominant strategies and models traditionally applied to end violence and building peace in such conflict and post-conflict scenarios, chapter three will elaborate a little bit more on the argument that social and economic rights and needs must therefore be fully incorporated as a crucial and determinant factor for the effectiveness and success of peace efforts, especially in conflict-prone divided societies. It will be argued that more effective conflict resolution processes and models need to include as fundamental a reinforcement of economic, social and cultural rights, while at the same time assuming and expressing the indivisibility of all human rights as a central element for their success, especially in deeply divided societies. The acknowledgment and recognition of the existence of various types of underlying factors, of a more material and structural nature, which are as important to fully understand the emergence or perpetuation of conflicts in these societies, such as political and socio-economic inequalities, then become fundamental elements for the definition of alternative strategies to prevent or resolve conflicts of such complex nature.

This alternative approach will be explained and justified within the framework of a multidimensional and comprehensive approach to peace and conflict and illustrated with specific examples of good and bad practices in this area.

The second part of the thesis will consist of the application on the theoretical framework and arguments to the specific case of Sudan. First of all, chapter four will provide a more clear and deeper understanding of the long-lasting conflict between the Government of Sudan and the SPLM/A, the main Southern rebel group. By

identifying the main actors, ingredients and the deeper dynamics behind the conflict we will then attempt to underline the crucial role played in conflict by the governments' strategy of continued social exclusion and economic deprivation (denial of economic and social rights) of the Southern population. Moreover, throughout this analysis, and in order to reinforce the main questions and hypotheses and consolidate both the theoretical framework and the case study, several other sub-questions will also be addressed. More specifically, we will assess what is the history of relations between groups, if there is there a pattern of systematic discrimination or have relations been relatively peaceful and inclusive; if there are other factors, for example political exclusion or economic inequality, reinforcing ethnic divisions (even within the South); if there are large socio-economic disparities reinforcing other lines of division, such as ethnicity or religion; if elites face an economic or political incentive to mobilise violence along ethnic or religious lines; if government policies favour one group over another and if government services are provided equally across different ethnic or religious groups, are exclusive language policies in place; or civil and political freedoms and other basic human rights respected? The answers to these questions will be very useful to test the argument and hypotheses presented in the conceptual framework.

In chapter five, we will present an analysis of the dynamics and evolution of the peace process and the type of solution applied to solve conflict and build peace. More specifically, we will try to understand to what extent the strategies of social exclusion and economic deprivation of the Southern population have been tackled and addressed effectively as a crucial element for sustainable peace throughout the long peace process. A critical analysis of the provisions and implementation of the

Comprehensive Peace Agreement from an economic and social rights perspective will also attempt to provide an answer to our main research question. In chapter six, by critically emphasising the limitations and shortcomings of dominant peace strategies when it comes to building sustainable peace, we will prove our main argument and hypothesis as well as the validity of the suggested approach to more effective conflict prevention and peace building based on the effective address of the invisible forms of inequality and on the implementation of economic and social rights and needs of all Southern population.

Finally, the conclusive part of the thesis will sum up the main arguments and hypothesis developed throughout the analysis as applied to the specific case-study of Sudan. Furthermore, the last part will also serve the purpose of drawing some more general conclusions and suggesting some recommendations for an alternative approach to conflict prevention and peace building that can be applicable to similar conflicting scenarios.

Methodology

With the aim of conducting the analysis and addressing the specific research questions mentioned above and in order to identify key debates, be familiarised with the discourse and present a conceptual framework, the first step will be to review the existing secondary source literature on the subject of conflict resolution and conflict prevention. Exploratory interviews are also meant to gain insight in this frame of reference and complete hard information, as well as develop an essential part of networking. Moreover, the need to conduct a more focused research and to make operational the concepts determined the subsequent methodological strategy – the use of a case study.

Methodologically, this research will thus include several techniques considered fundamental to achieve the specified objectives and overcome the difficulties inherent to this thematic, namely research, collection and interpretation of data based on written reports, documents and other forms of secondary bibliography on the subject, in order to better understand both the theoretical debate and the elements of the conflicts in Sudan; interviews to experts and researchers specialised on the thematic, in an exploratory stage. The aim of these interviews is mainly to have a more rigorous understanding of the historic causes and nature of the conflict, different actors and interests involved which are necessary steps to formulate more accurate hypotheses and arguments both general and specific to the case-study; research and interpretation of Sudan's official documents such as legislation, government's programmes, Constitution, peace agreements, rebel group's plans of action and demands, among others; analysis of international organisation's and NGO's reports and documents.

In addition, and while deepening the defined topics, as well as exploring further issues rose by the set of interviews, field research will prove essential and add crucial value to the study, and will include interviews and contacts with active and relevant actors, local, national and international, such as political leaders, local and international workers (UN, EU, ICG, etc), political analysts, economists and human rights activists, civil society organisations. The main aim of the field work will be to gather as much relevant information and data as possible, which will after be analysed according to the established theoretical framework. The field research will not constitute an end in itself but rather a crucial step in order to prove the relevance and viability of the above-mentioned hypothesis and arguments.

‘Who cares where national borders lie, who cares whose laws you’re governed by, who cares what name you call a town, who cares when you’re six feet beneath the ground?’

(Excerpt of the song Sunrise, by The Divine Comedy, in Fin de Siècle).

1. UNDERSTANDING CONFLICT BEYOND ETHNICITY AND RELIGION: A REVIEW OF THE MAIN APPROACHES

1.1 Introduction

Understanding armed conflicts has never been an easy task mainly due to their inherent violence and complexity. But it becomes particularly difficult in the case of internal conflicts, where simplistic interpretations can easily render solutions and prevention an almost impossible mission.

In such circumstances, undertaking a thorough assessment and understanding of why some different cultural, ethnic or religious groups sharing and living in the same national territory engage in conflict and violent confrontation whereas in others that does not happen should be one of the first steps in the study of contemporary conflicts.

The acknowledgement of a re-emergence of religious and ethnic traditions worldwide and the argument put forward that the political resurgence of religious communities is often by violent way of clashes in and between nations (Hasenclever and Rittberger, 2000: 641) has marked the beginning of a particularly interesting and rich debate in the field of International Relations and Political Science.¹ It has been suggested, for example, that the colonial period in Africa, although often establishing a territorial division without great correlation with ethnic frontiers, has encouraged

¹ Samuel Huntington's claim (1996) about the cultural fragmentation of the world somehow initiated this debate. Huntington proposed a model to interpret the new reality of the world, based on the fact that the explanatory factors are not ideological but cultural. Following this argument, religions play a fundamental role in world politics. As Marta Reynal- Querol points out:

People belonging to different religions have different versions of many relations among individuals and authorities. Following Huntington, one of the most important causes of future conflict among civilisations is that their characteristics and differences are less mutable and, therefore, more difficult to reach agreements and solve than political and economic differences. (Reynal-Querol, 2002:31)

an ethnic classification of the populations and used some ethnic groups to fulfil special roles in the prevailing colonial policy. In the post colonial period, the centralised control of the State by one social group has conducted to an ethnicisation of State power which in some countries has resulted in a suppression of ethnic movements through its marginalisation or cooptation, but in others has represented a factor of increased tensions (Osaghae, 1994: 24).

Furthermore, since during independence most African States did not actually have a coherent and functional unity, there was a first phase in which the national construction imperative lead many leaders to reject and ignore the multi-ethnic character of their societies, even facing ethnicity as an anachronism that should disappear with progress, modernisation and economic growth (Ferreira, 2005b: 47). Since ethnic diversity was viewed as inherently conflictual, the origins and stability of a national State depended on the denial of partial identities and on incentives to the creation of alternative forms of alliances, loyalties and consciences. The most common answer to diversity was the adoption of policies that aimed at the homogenisation and unity of heterogeneous populations through the limitation of expressions of groups' differences (Ferreira, 2005b: 48).

As we shall see at a later stage, the conflicts in Southern Sudan, in Darfur and the latent and increased violence in the eastern regions of Sudan, for example, seem to be all part of a same trend, shared by the several rebel movements, in which the 'enemy' is identified with a specific and limited Muslim-Arab elite, who has been controlling and dominating the political and economic life of the country ever since independence in 1956, thus continuously and increasingly marginalizing and repressing a significant part of the Sudanese population. But is it really so?

Despite some relative consensus among scholars and academics on the importance of ethnic and religious factors, there are, however, divergences in what concerns a direct relation between such diversity and the emergence of violent conflict among groups within the same country. In order to accurately clarify these issues, it becomes important to review the main theories and concepts of ethnicity and how these are used and constructed in relation with conflict.²

1.2- Ethnicity: Concepts, Theories and Perspectives

There are several theories and views on ethnicity and ethnic identities which tend to differ (although not always sharply) in the ways they envisage both concepts and processes of ethnicity and ethnic identity³ formation. These different theories and perspectives have been especially well-developed in, and associated with the academic fields of anthropology, sociology and also (although more recently) political science. But despite some notorious differences in approaches and definitions, there are also some similarities or at least some points in common, as we shall try to demonstrate. These perspectives are especially important for an accurate and more rigorous analysis of social processes and evolution in societies, which are divided across ethnic and/or religious lines and where violent conflict can emerge.

² The concept of ethnicity used throughout this analysis will be a broad one including elements of religion, race and language and religion.

³ Identity is seen as a function of how people identify themselves and are identified by others in terms of race, ethnicity, culture, language, and religion. The identity question relates to how such concepts determine or influence participation and distribution in the political, economic, social, and cultural life of the country (Deng, 1995:14).

In this debate, the concept of ethnic group is seen as the most comprehensive of all the others to which it is usually related – race, nation, minority-, since none of these solely seems to be adequate to encompass the enormous range of the inter-group relations among cultural groups now so prominent within societies throughout the world (Yinger, 1994).

In Christian Scherrer's words, for example, ethnic communities can be defined as

Historically generated or (in some cases) re-discovered communities of people that largely reproduce themselves. An ethnic or communal group has a distinct name, which often simply signifies 'person' or 'people' in the ethnic community's language, a specific heterogeneous culture, including, particularly, a distinct language, and a collective memory or historical remembrance, including community myths. This is producing a degree of solidarity between members, generating a feeling of belonging. (Scherrer, 1999: 57)

while ethnicity is presented as a term used to

describe a variety of forms of mobilization which ultimately relate to the autonomous existence of specifically ethnic forms of socialization. No clear-cut distinction can, however, be made between struggles by social classes and struggles by ethnic groups. (Scherrer, 1999: 57)

In Max Weber's perspective, 'ethnic groups' are those human groups that entertain a subjective belief in their common descent because of similarities of physical type or of customs or both, or because of memories of colonization or migration; this belief is important for the propagation of group formation; conversely, it does not matter whether or not an objective blood relationship exists (Weber, 1998: 21). There is a very specific and often extremely powerful sense of ethnic identity, which is determined by several factors: shared political membership or persistent ties with the old cult, or the strengthening of kinship or other groups (Weber, 1998: 22). Ethnicity may thus be defined as an affiliation or identification with an ethnic group. On the

one hand, ethnicity is subjective since it is the product of the human mind and human sentiments and a sense of belonging to a particular ethnic group. On the other hand, ethnicity is objective because it must be based on some objective characteristics and is constructed by social forces and power relations (Yang, 2000: 40). In such a complex debate, which raises so many questions and confronts us with some many perspectives, it becomes crucial to understand why and how the study of race and ethnicity has changed in a range of disciplines and how these changes relate to new research agendas and social and political transformations in contemporary societies (Bulmer and Solomos, 1998:3) and especially in the study of contemporary internal conflicts.

But perhaps one of the most important scholars and thinkers of ethnicity was Fredrik Barth. In his *Ethnic Groups and Boundaries* (1969), Barth departs from the recognition of the importance of analysing the constitution of ethnic groups and the nature of the boundaries between them (Barth, 1969:9). For him, there are two basic ideas related to ethnic boundaries: first, these boundaries persist despite a flow of personnel across them, i.e., ethnic distinctions do not depend on an absence of mobility, contact and information, but do entail social processes of exclusion and incorporation; secondly, stable and persisting social relations are maintained across such boundaries (Barth, 1969:10). This means that interaction does not lead to acculturation or liquidation of ethnic identities; cultural differences can persist despite inter-ethnic contact and interdependence (Barth, 1969:10). Still according to Barth, an ethnic group is generally understood in anthropological literature as a population, which is largely biologically self-perpetuating, sharing fundamental cultural values, making up a field of communication and interaction. But for him this

is a limited definition because it prevents us from understanding the phenomenon of ethnic groups and their place in human society and culture. And we could also argue that such definition does not help understanding the actual relation between ethnicity and conflict in a given society. In Barth's approach, ethnic groups are seen as categories of ascription and identification by the actors themselves, and thus have the characteristic of organising interaction between people (Barth, 1969:10-11). The emphasis on ascription as the critical feature of ethnic groups implies that the nature of continuity of ethnic units clearly depends on the maintenance of a boundary and that socially relevant factors become diagnostic for membership (Barth, 1969: 14-15).

In this sense, ethnic categories provide some sort of 'organisational vessel' that may be given varying amounts and forms of content in different socio-cultural systems. The critical focus of investigation from this point of view then becomes the ethnic boundary that defines the group, not the cultural content that it encloses (Barth, 1969:15). Ethnicity is then created and recreated as various groups and interests put forth competing visions of the ethnic composition of society and argue over which rewards or sanctions should be attached to which ethnicities (Nagel, 1998: 239). Ethnic grouping is seen as a mutable process in which individuals and small groups, because of specific economic or political circumstances may change their locality, their political allegiance and form, or their household membership (Barth, 1969:24). The incentives to a change in identity are thus inherent in the change in circumstances. Different circumstances obviously favour different performances.⁴

⁴ According to Barth, stable inter-ethnic relations presuppose such a structuring of interaction: a set of prescriptions governing situations of contact, and allowing for articulation in some sectors, and a set of proscriptions on social situations preventing inter-ethnic interaction in other sectors, and thus insulating parts of the cultures from confrontation and modification (Barth, 1969:16). In other words,

In the same line of Barth's theorisation, Joane Nagel refers to a model that emphasises the socially 'constructed' aspects of ethnicity, meaning the ways in which ethnic boundaries, identities and cultures are negotiated, defined and produced through social interaction inside and outside ethnic communities (Nagel, 1998: 237). According to this view, the origin, content and form of ethnicity reflect the creative choices of individuals and groups as they define themselves and others in ethnic ways. Ethnicity is then constructed out of the material of language, religion, culture, appearance, ancestry or regionality (Nagel, 1998: 237). Nagel, however, leaves it clear that this does not mean denying the historical basis of ethnic conflict and mobilisation.

In this context, informal ethnic meanings are important in shaping ethnic identities, but formal ethnic labels and policies are even more powerful sources of identity and social experience. These official ethnic categories and meanings are usually political. As the State has become the dominant institution in society, political policies regulating ethnicity increasingly shape ethnic boundaries and influence patterns of ethnic identification. These processes in which ethnic boundaries, identities and cultures are negotiated, defined or produced by political policies and institutions can occur through several ways: a) immigration policies, b) ethnically-linked resource policies; and c) by politics defined along ethnic lines (Nagel, 1998: 243). [These two last ones are especially interesting and present in conflict prone societies where

ethnic identity is super-ordinated to most other statuses, and defines the permissible constellations of statuses, or social personalities which an individual with that identity is allowed to assume. In this respect, ethnic identity is similar to sex and rank in that it constraints the incumbent in all his activities, not only in some defined social situations (Barth, 1969:17).

ethnic and religious divisions are present, like in Sudan.]⁵ As Barth already mentioned, there is an important link between ethnic boundaries and resource niches. Where separate niches are exploited by separate ethnic group's tranquillity prevails, but if different ethnic groups compete for resources instability and conflict may occur.

In sum, this view emphasises the interplay between ethnic group actions and the larger social structures with which they interact. Just as ethnic identity result both from the choices of individuals and from the ascriptions of others, ethnic boundaries and meaning are also constructed through the intervention of both internal and external forces of different nature.⁶ Jenkins also tries to analyse and understand what anthropologists mean when they talk about ethnicity (Jenkins, 1998: 87). Also drawing from Barth's constructivist perspective, it looks at ethnicity as the 'social organisation of cultural difference'. It means that culture is a changing variable and contingent property of interpersonal relations, rather than an entity 'above' the fray of daily life (Jenkins, 1998: 88).

⁵ Ethnic stratification, for example, is defined as the institutionalised inequality among ethnic groups in a society. It is a system of ethnic relations and social rules that determines the unequal distribution of resources across different groups. This inequality is not random, since it follows a pattern and shows relative constancy and stability, and it is legitimised and justified (Yang, 2000: 61).

⁶ Nagel refers to several culture construction techniques that serve two important collective ends: aids in the construction of community and serves as mechanisms of collective mobilisation, because they serve as basis for group solidarity and help setting agendas for collective action (Nagel, 1998: 252). In constructing culture, the past is a resource used by groups in the collective quest for meaning and community (Cohen, 1985: 99 *apud* Nagel, 1998: 253). But cultural construction can also be used for ethnic mobilisation, since cultural renewal and transformation are important aspects of ethnic movements.

There are several theories on this: for instance, Snow and his associates argue that social movement organisers and activists use existing culture to make movements goals and tactics seem reasonable, just and feasible to participants and political officials (Snow et al, 1986); Gamson documented the ideational shifts and strategies used by movements, policymakers and opposition groups to shape debates, define issues and to paint portraits of each sides' claims and objectives (Gamson, 1988, 1992).] (Nagel, 1998:257).

According to Jenkins, the 'basic model' of ethnicity can be summarised in the following aspects: ethnicity is about cultural differentiation; it is rooted in, and the outcome of, social interaction; ethnicity is no more fixed or unchanging than the culture of which it is a component; ethnicity is then a social identity, both collective and individual (Jenkins, 1998:88). Therefore, and common to many other scholars in this area, what we can conclude is that the extent to which ethnicity can be freely constructed by individuals or groups is quite narrow when compulsory ethnic identities are imposed by others. Therefore, externally enforced ethnic boundaries can be powerful determinants of both the content and meaning of particular ethnicities (Nagel, 1998: 243).

Whereas in general, political scientists argue that national identities can be based on several defining principles of collective belonging - ethnicity, religion, ideology and especially territory, Kakar argues that territory may not always be the defining principle, since in many contexts religion or ethnicity play an even more important role in this (Kakar, 1996: 39). Departing from the idea of an apparent rise and revival of religious and/or ethnic fundamentalist feelings, Kakar argues however, that if we look closely at individual cases around the world, we will find that this revival is less of religiosity than of cultural identities based on religious affiliation. Group identity is presented as an extended part of the individual self-experience, although its intensity tends to vary across individuals and with time (Kakar, 1996: ix). By 'cultural identity' the author means a group's basic way of organizing experience through its myths, memories, symbols, rituals and ideals. It is socially produced, subject to historical change and therefore not static (Kakar, 1996: 143).

Therefore, where the resurgence tends to be most visible is in the organization of collective identities around religion, in the formation and strengthening of communities of believers. These groups share not only religious beliefs, but also social, economic, and political interests that may conflict with the corresponding interests of another community sharing the same geographical space (Kakar, 1996: 186). He argues further that identity is not an achievement but a process constantly threatened with rupture by forces from within and from without (Kakar, 1996: 158).

1.3- The theoretical debate: primordialism, instrumentalism and constructivism

What all these authors and scholars have in common in their analysis and research is a concern for more clarity in understanding how ethnicity and ethnic identity is formed, experienced and how it evolves. It is basically a concern not only for its content but also for its true meaning and the way this relates to individuals and groups' inclusion or exclusion in a broader social system. In order to pursue these goals and understand the deeper impact of ethnicity and ethnic sense of belonging of individuals and groups, researchers (both in anthropology, sociology and political science) all turn to the somehow perennial debate about the nature of ethnic identity which confronts and compares primordialist, instrumentalist and constructivist perspectives.

Drawing from Jenkins, the main questions here thus are

is ethnicity a fundamental, primordial aspect of human existence and self-consciousness, essentially unchanging and unchangeable in the bonds it creates between the individual and the group?, or is it defined strategically, tactically manipulated, and capable of change at both the individual and collective levels?. (Jenkins, 1998: 89)

Primordialist theories answer these questions by arguing that ethnicity must be seen as a static identity, mainly inherited from one's ancestors, where the boundaries demarcating who is a member of an ethnic group and who is not, are fixed and immutable. Primordialism also considers common ancestry as determining ethnicity (i.e., people belong to an ethnic group because members of that group all share common biological and cultural origins). As Geertz suggested, it is those primordial bonds (lineage and cultural ties) that give rise to and sustain ethnicity (Geertz, 1973 apud Yang, 2000: 42). The primordialist perspective has two variants: a sociobiological view which sees ethnicity as an extension of kinship; and a culturalist view which underscores the importance of a common culture in the determination of ethnic group membership. According to this view, a common culture (language, religion) determines the genesis and tenacity of ethnic identity even in the absence of common ancestors (Geertz, 1973 apud Yang, 2000: 43).

The primordialist view thus considers ethnicity to be a fundamental component of human nature and its self-consciousness as something constant and unchangeable. By emphasising this fixed, natural and immutable character of ethnicity and/or religious identities, primordialists see individuals as being closed in an essential category that is permanent and to which are associated specific ways of thinking and acting (Ferreira, 2005: 82). But primordialism also contains several limitations. By naturalising and fixating ethnic identities, it does not really explain why ethnic memberships or identities of individuals and groups tend to change and disappear or why new identities emerge among biologically and culturally diverse groups. As Yang puts it, it tends to overlook the larger historical and structural conditions that construct/deconstruct and reinforce/undermine ethnic loyalties; it neglects the

economic and political interests closely associated with ethnic sentiment and practice (Yang, 2000: 43).

A second perspective on ethnicity that is important for this debate is instrumentalism, which emphasises the plasticity of ethnicity and the fact that people can shift and alter their ethnic ascriptions in the light of circumstances (Jenkins, 1998: 89) thus comparing ethnic groups to other interest groups. Unlike primordialism, instrumentalism sees ethnicity as an instrument or strategic tool for gaining resources. According to this view, people become ethnic and remain ethnic when their ethnicity yields significant returns to them. Ethnicity exists and persists because it is useful, and it can result in political, economic or social advantages (Yang, 2000: 46). Ethnic or religious identities are then socially defined and used in a given situation, flexible and negotiable, strategically manipulated and capable of changing both at the individual as well as the group level. In this sense, ethnic (and religious) groups constitute fluid, unstable and provisory entities, and their use by social actors is also socially and historically contingent (Ferreira, 2005b: 82). The most extreme version of instrumentalism attributes the acquisition and retention of ethnic membership or identity solely to the motivation of wanting to obtain comparative advantage. Hence, interests are the sole determinant of ethnic identity, and ethnic affiliation tends to be transient and situational as the benefits of ethnicity shift (Yang, 2000: 46).

Another recent formulation of instrumentalism links it to rational choice theory, assuming that people act to promote their socio-economic positions by minimising the costs of, and maximising the potential benefits of, their actions. Applied to ethnic identities, the rational choice theory suggests that some people favour an ethnic

identity because it may be beneficial, while others hide or deny it because it will bring disadvantages (Yang, 2000: 47). Again this view must be considered with caution, since it can easily be exaggerated and associated to a merely rational and materialistic view of ethnicity that underscores the symbolic importance of ethnic belonging for some groups and individuals.

Finally, the constructivist school answers quite differently to these questions. According to constructivists, the social world is a world of human consciousness, constructed and shared: of thoughts and beliefs, of ideas and concepts, of languages and discourses and understandings among human beings, especially groups of human beings, such as States and nations. The social world is an inter-subjective domain: it is meaningful to the people who made it and live in it, and who understand it precisely because they made it and they are the home of it (Jackson and Sørensen, 2003: 254). In this sense, and as applied to this specific subject, constructivism is usually based on three major arguments: ethnicity is a socially constructed identity, something that is created; ethnicity is dynamic and ethnic boundaries are flexible, changeable; ethnic affiliation or identification is determined or constructed by society⁷ (Yang, 2000: 44).

Challenging the assumption that ethnicity is an irrational form of cultural attachment, it explicitly emphasises the social construction of ethnicity and race. In fact, and as mentioned before, both Barth (1969) and Nagel (1998) had already noted that ethnicity should be seen as socially constructed and reconstructed by internal forces

⁷ Within constructivism in this specific debate there are various perspectives, such as ‘emergent ethnicity’ which views ethnicity as an ‘emergent phenomenon’ created by structural conditions (William Yancey et al, 1976); or the ‘theory of ethnicisation’, suggesting that ethnicity is created by two conditions: ascription (assignment of individuals to particular ethnic groups by outsiders such as government, churches, schools, media and other immigrants) and adversity (includes prejudice, discrimination, hostility and hardship) (Yang, 2000: 45).

and external forces (social, economic or political processes and outsiders), and as a dynamic identity. In sum, constructivism underlines the centrality of social construction in ethnic formation at the same time it highlights historical and structural forces that create and sustain ethnicity. As for its limitations, scholars usually sustain that it tends to ignore the ancestral basis of ethnicity (which must be considered and acknowledged as having a relatively important influence in this processes) and de-emphasise the limitations of social construction. At the same time, and like primordialism, it does not pay enough attention to the role of political and economic interest in the construction of ethnicity (Yang, 2000: 46).

Having said this, however, one must be aware that this is not a clear-cut debate and that the differences are somehow made more flexible by some common aspects: primordialists also recognise that ethnic features vary from society to society and from time to time; and some instrumentalists tend to accept some power relations and stability of ethnic identifications (Jenkins, 1998: 89). It remains, nevertheless, a crucial debate for a deeper and clearer understanding of ethnicity and it is particularly useful in finding a balance between them through an integrated approach. Yang, for example, departs from this debate to argue that ethnicity is socially constructed partly on the basis of ancestry or presumed ancestry and more importantly by society, that the interests of ethnic groups also partly determine ethnic affiliation, and that ethnic boundaries are relatively stable but undergo changes from time to time (Yang, 2000: 48). This means basically that the majority of people do not get to choose their identity, because they are largely born into it according to a set of rules defined by society; at the same time, these are also largely subject to some change. In sum, what can be drawn from this important debate is that ethnic

identity and boundaries are permanently constructed and reconstructed by individuals, ethnic groups, other groups and society as a whole, a process in which ancestry, symbolism, and larger economic, political and social structures are linked, and contribute, to the social construction of ethnicity.

1.4- Identity and conflict

According to some authors, multi-cultural and multi-ethnic contexts are characterized by stronger feelings of threats to a given groups' survival and existence. The nature of such threats differs, of course, according to one's position and perspective. For some, the main cause of conflict between groups in all these instances has been generally identified as a clash of economic interests, an explanation that embraces some version of a class struggle between the poor and the rich. For others, the identity-threat may also arise due to perceived discrimination by the State, through disregard by the political authorities of a group's interests or disrespect for its cultural symbols (Kakar, 1996: 187).

Here, again, we can apply the previous theoretical debate on the relation between identity and conflict and use it as a first and basic framework in our attempts to grasp the ways in which this relation can influence, both positively and negatively, conflict resolution and peacebuilding strategies traditionally implemented in war-prone societies.

As we have discussed above, the primordialist view considers ethnicity to be a fundamental component of human nature and its self-consciousness as something constant and unchangeable. By emphasising this fixed, natural and immutable character of ethnicity and/or religious identities, primordialists see individuals as

being closed in a permanent essential category, and to which specific ways of thinking and acting are associated (Ferreira, 2005b: 82). They also assume that ethnic and religious hatred are the most important factors explaining violent conflicts in the post-Cold War era, thus holding that conflict between ethnic or religious groups is inevitable because of deep-seated cultural practices and antipathies (USAID, 2005: 15). Primordialists thus argue that differences in religious traditions should be viewed as one of the most important independent variables to explain violent interactions in and between nations, since collective actors at the national as well as the international level tend to form alliances around common cosmologies, and tensions arise and escalate primarily between alliances with different cosmologies (Rittberger and Hasenclever, 2000: 641).

In this sense, religious or ethnic differences are considered to be more important than language differences as a social cleavage that can develop into a conflict. According to this theoretical point of view, there are two basic reasons why religious differences can generate more violence than other social cleavages. First, there is no doubt of the excludability of religion. One can speak two or more languages, but you can only have one religion. Second, religious differences, which constitute the basic differences among civilisations, imply different ways of understanding the world, social relationships and so on (Reynal-Querol, 2002: 32)⁸. Multi-religious societies

⁸ As Marta Reynal-Querol also argues

[...] in the modern world, religion is a central and, in many situations, primary force that motivates and moves humans. In such situations, what counts is not political ideology or economic interests. Faith, family, blood and beliefs are the aspects with which people identify themselves, the characteristics for which they fight and die. More than ethnicity, religion discriminates and differentiates humans in a sharp and exclusive way, even more than belonging to a country would do. A person can be half French and half Saudi Arabian and, at the same time be a citizen of both countries. However, it is difficult to be half Christian and half Muslim. (Reynal-Querol, 2002:31)

will inevitably experience conflict due to existing irreconcilable understandings of the sacred between groups. In this line of thought, identity conflicts are seen as inevitable expressions of ancient rivalries and in its extreme sense, primordialism may provide a rational justification for ethnic cleansing (Ferreira, 2005b: 82). In the end, these societies either will fall apart, or one community will inevitably gain dominance and suppress the others (Hasenclever and Rittberger, 2000: 644). For example, despite some important divergences in what concerns the existence of a direct relation between ethnic and/or religious diversity and the emergence of violent conflicts among groups within the same State, the multiple conflicts in Sudan have been often interpreted as an example of the primordialist view, according to which such differences must be seen as the most independent variable to explain conflicts. However, this approach does not explain how this consciousness varies through time, why it differs in intensity between members of a same group or the fact that individuals often build and defend social bonds that go beyond ethnic or religious boundaries (Ferreira, 2005b: 82). Another common criticism of primordialism is the failure to account for variation in the level of conflict over time and place. It does not explain why ethnic groups change over time nor does it explain why some multiethnic and/or multi-religious countries live in peace, whereas elsewhere violence erupts (Østy, 2003: 25).

Instrumentalists, on the other hand, recognise the importance of existing religious and ethnic differences as well as their impact on conflict behaviour, but refuse to see them as the main and primordial causes of conflict. In fact, this view admits that conflicts may be aggravated by divergent religious creeds, but they insist that they are rarely if ever caused by them (Hasenclever and Rittberger, 2000: 642). In its

attempt to understand conflict in divided societies, instrumentalism underlines the importance of the context in which this ethnic feeling emerges in order to mobilise and/or to be politically manipulated and instrumentalised (Ferreira, 2005b: 83). According to this view, ethnic or religious identities have little independent standing outside the political process in which collective ends are sought and they are primarily a set of symbolic ties that may be used for political and economic advantage (Østy, 2003: 26). These identities may thus be polarised and lead to conflict, mainly if and when specific elites use these factors to explain group inequality and discrimination and then justify violence in an attempt to gain, maintain or increase their hold on political or economic power. As Hasenclever and Rittberger refer, the existence of cultural, ethnic and religious markers floating in each nation can be called upon by self-interested leaders for the purpose of forming group identities and mobilising their members into collective action. However, this type of endeavour requires some pre-existing raw materials such as common myths, common languages and common religious traditions that can be found in contexts characterised by serious political and economic cleavages exist. These may allow political entrepreneurs to give meaning to these cleavages in terms of cultural, ethnic or religious discrimination. As they note, “the observed relationship between religion and violence then amounts to a spurious correlation” (Hasenclever and Rittberger, 2000: 646).

In sum, what most instrumentalists tend to conclude is that the existence of severe and clear economic, social and also political disparities within a nation which overlap with religious or ethnic dividing lines, makes it easier for political leaders to give them a sense of cultural, ethnic or religious discrimination, contributing to the

emergence or perpetuation of such type of conflicts. Consequently, it is also a central argument of the instrumentalist approach that the current political renaissance of religion (and ethnicity) and its consequent use to justify conflict within societies is the result of a worldwide economic and developmental crisis. They thus conclude that in order to minimise the attraction of religious communities for desperate acts of violence, the underlying economic crisis must be addressed. If done successfully, the likelihood of religious convictions being used for the mobilisation of the rank and file will diminish. As the distributional conflict in a society becomes less severe, the violent forms of protest will thus tend to lose much of their appeal (Hasenclever and Rittberger, 2000: 664). In this context, elites play a fundamental role, since they frequently use these differentiating factors to explain group inequality and discrimination and, ultimately, to justify the use of violence in order to gain, maintain or increase political and/or economic power. From this point of view, again, the governing Muslim-Arab Sudanese elite has been perpetuating a similar process often using such arguments that refer to religious and/or ethnic differences as factors of inclusion and exclusion in the Sudanese society, and thus feeding a war that has lasted for more than twenty years. Critics of the instrumentalist view, however, defend that ethnicity, for example, is not something that can be decided upon by individuals at will, like other political affiliations, but that is rooted in the larger society. They focus on the inherently social nature of ethnic identity, and argue that this can only be understood within a relational framework (Østy, 2003: 26).

Finally, for constructivists conflict is understood not as a collision between forces or entities, but rather as disagreement or dispute or misunderstanding or lack of communication or some other intellectual discord or dissonance between conscious

agents. Conflict is always a conflict of minds and wills of the parties involved and to correctly understand such conflicts it is necessary to make an inquiry of the various discourses at play in the event. That would disclose the sources and depth of the dispute and its intellectual obstacles and possibilities of resolution (Jackson and Sorensen, 2003: 257).

For our analysis, the constructivist thesis can thus be seen as bridging the other two perspectives, defending that ethnicity or religious identities are not an individual attribute, but a social phenomenon, since a person's culture is partly inherited, but also constructed and chosen, with many people having multiple identities (Østy, 2003: 26). This view suggests that there is nothing inherently conflictual about ethnicity or religion, but rather, under certain conditions, identity can turn from a relatively neutral organising principle into a powerful tool for mobilising mass violence (USAID, 2005: 15). According to this approach, it is the social system that breeds conflict rather than individuals themselves. Social conflicts are seen as intimately linked to cognitive structures such as ideology, nationalism, ethnicity or religion. These are structures that give the social actors value-added conceptions of themselves and, consequently, affect their behaviour and coping strategies within society (Hasenclever and Rittberger, 2000: 647). In this sense, constructivists do not share the instrumentalists' argument that most contemporary conflicts are simply conflicts about power and wealth and not about religion. But despite this important distinction there are, however, two major areas of agreement between constructivists and instrumentalists. First of all, in both approaches power and interests play a crucial role in explaining politics within a given society. As mentioned before, what is peculiar of the constructivist's position is that power and interests are embedded in

cognitive structures that give meaning to them. Secondly, both instrumentalists and constructivists acknowledge that conflicts do not occur spontaneously and consequently attach an important role to political leaders in explaining the outbreak of conflicts (Hasenclever and Rittberger, 2000: 648).⁹

Despite the general and apparent consensus on this issue, constructivism adopts a slightly different view in what concerns the specific relation between existing ethnic and religious variables and the role leaders are able to play by using them. While instrumentalists suggest that, ultimately, determined leaders can actually manipulate religious traditions at will and that the justification of violence is at best a rhetorical, but not a substantial problem, constructivists insist that religious traditions are intersubjective structures that have a life of their own. These structures thus depend on social practices and discourses, and are inseparable from the reasons and self-understandings that agents bring to their actions. Therefore, the rhetorical power of political entrepreneurs is far from unlimited. Constructivists, therefore, propose to view religion as an intervening variable, i.e., as a causal factor intervening between a given conflict and the choice of conflict behaviour, but one that may have an ambiguous impact: it can either make violence more likely or reduce this risk significantly (Hasenclever and Rittberger, 2000: 649).

Reconstructing and understanding the specific processes of creation and expression of group identities, polarised either in terms of class, gender, ethnicity or religion, means mainly avoiding an essentialist or primordialist perception of reality (Ferreira,

⁹ The Carnegie Commission on Preventing Deadly Conflict has put it as follows

Mass violence results when leaders see it as the only way to achieve their political objectives, and they are able to mobilise groups to carry out their strategy. Without determined leaders, groups may riot but they do not start systematic, sustained campaigns of violence to achieve their goals; and without mobilised groups, leaders are unable to organise a fight". (Hasenclever and Rittberger, 2000: 649)

2005b: 72). In sum, since conflicts tend to occur when multiple factors come together and reinforce each other, it is necessary to pay careful attention to interaction effects between the different variables present in a given context (USAID, 2005: 28). As Johnston and Cox remind us, “the influence of religious communities on politics and policies- real as it is- must not be overestimated” (apud Hasenclever and Rittberger, 2000: 673).

These three¹⁰ perspectives seem also particularly interesting as a framework for the analysis of Sudan and its conflicts, as we shall analyse at a later stage, since these are usually associated with a primordialist view of ethnic and religious differences within Sudanese society. In fact, the different conflicts in Southern Sudan (as well as in Darfur and in the latent and increased violence in the Eastern regions), for example, seem to be all part of a same trend, shared by the several rebel movements, in which the ‘enemy’ is identified with a specific and limited Muslim-Arab elite, who has been controlling and dominating the political and economic life of the country ever since independence in 1956, thus continuously and increasingly marginalising and repressing a significant part of the Sudanese population. Despite some important divergences in what concerns the existence of a direct relation between ethnic and/or religious diversity and the emergence of violent conflicts among groups within the same State, the multiple conflicts in Sudan have been often

¹⁰ Besides these three theoretical perspectives on the causes of internal ethnic conflict, there are others that will not be directly developed in this research but must at least be mentioned. For example, the clash of cultures (or civilisations) theory suggests that irreconcilable differences due to cultural gaps cause fear and conflict that beget violence. As Sambanis refers

[...] fear is also at the heart of the theory of the ethnic security dilemma, which suggests that territorial intermingling and mutual vulnerability exacerbate assurance problems that may lead to preventive wars by ethnic minorities who want to secede to increase their security. Modernisation may also cause conflict as economic and social change can accelerate and intensify group competition for scarce resources. This explanation may be particularly relevant when class cleavages and ethnic groups overlap. (Sambanis, 2001: 263)

interpreted as an example of the primordialist view, according to which such differences must be seen as the most independent variable to explain conflicts.

But if we take instrumentalism, for example, elites do play a fundamental role, since they frequently use these differentiating factors to explain group inequality and discrimination and, ultimately, to justify the use of violence in order to gain, maintain or increase political and/or economic power. From this point of view, again, the governing Muslim-Arab Sudanese elite has been perpetuating a similar process often using such arguments that refer to religious and/or ethnic differences as factors of inclusion and exclusion in the Sudanese society, and thus feeding a war that has lasted for more than twenty years. But this explanation is simultaneously limited in that it takes a purely materialistic stance and does not take into due account the social and symbolic importance of ethnic and religious identity in Sudan. In fact, the core grievances that gave rise to the conflict in the South are generally shared by marginalised groups across the country.

Four our research purposes, the crucial factor here are the discriminatory economic systems and structures that discriminate certain groups, running the high risk of creating resentment and frustration among discriminated groups. Inequalities at the level of access to employment, resources and sharp differences in terms of socio-economic living conditions, especially if these are long-lasting and promoted and reinforced both by the Northern and Southern elites, can cause a high feeling of unfairness and thus contribute to the eruption of violent reactions and behaviours. In our perspective, however, and as shall be argued at a later stage, the way out would not simply be a turn to economic development, but rather an attempt to create the

necessary conditions for equal enjoyment of economic profit and social conditions for all groups and communities especially in the South.

1.5- Beyond ethnicity and religion: Edward Azar's theory of protracted social conflict

Despite identifiable progress towards putting aside simplistic interpretations based on the primordial role of religion or ethnicity, and towards a need to understand and focus on the various underlying factors or conditions that make some places more prone to conflict than others, the literature and practice on internal conflicts remains weak when it comes to identifying and tackling the way in which these interplay and lead to conflict (Brown, 1997:4) and which should be the most appropriate ways to deal with it. Traditionally, international relations and strategic studies analysts have paid relatively little attention to the international implications of ethnic and other forms of communal conflict. Nevertheless, some scholars in the peace and conflict research field have attempted to uncover the sources of what were variously termed 'deep- rooted conflicts', 'intractable conflicts' or 'protracted social conflicts' (Ramsbotham, 2005a: 110).

In this context, Edward Azar's theory of protracted social conflict is one that can be useful for our purposes of better understanding conflict dynamics and one that, despite being considered outdated - it was written in the early 1990s - it still offers useful pointers for an understanding of the sources of major armed conflict in the post-Cold War era (Ramsbotham, 2005a: 109). In fact, Edward Azar was a conflict research pioneer, who drew on John Burton's approach to the centrality of 'basic human needs' in conflict theory, considering that basic needs such as distributive

justice, security and communal recognition are fundamental to a peaceful and stable society (Porto, 2008: 61).

In *The Management of Protracted Social Conflict: Theory and Practice* (1990), Azar contrasts three aspects of what up until then had been a prevailing orthodoxy in war studies with his own approach. First, there had been a tendency “to understand conflicts through a rather rigid dichotomy of internal and external dimensions” with sociologists, anthropologists concerned with civil wars, revolts, revolutions, and international relations scholars with the interstate wars, crises and invasions. Second, prevailing frameworks of analysis had often been based on the functional differentiation of conflict aspects into sub-categories of conflict (military, social, economic) and into different levels of analysis. Third, he identified a tendency to focus on overt and violent conflict while ignoring covert, latent or non-violent conflict, and on an approach to conflict dynamics in terms of conflict cycles in which the “termination of violent acts is often equated with the state of peace”. In contrast, a study of protracted social conflicts suggested that

many conflicts currently active in the underdeveloped parts of the world are characterised by a blurred demarcation between internal and external sources and actors. Moreover, there are multiple causal factors and dynamics, reflected in changing goals, actors and targets. Finally, these conflicts do not show clear starting and terminating points. (Azar, 1990: 6)

For Azar, the critical factor in protracted social conflicts, such as the ones that persisted in Lebanon, Sri Lanka, Northern Ireland, Ethiopia or Sudan was

[...] the prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation. (Ramsbotham, 2005a: 113)

According to him, traditional preoccupation with relations between States was seen to have obscured a proper understanding of these conflict dynamics thus undermining and limiting the real capacity to solve and overcome them.

By defining conflict as a generic social phenomenon involving individuals, societies, States and their collectivities, Azar defines a model that identifies a set of conditions that are responsible for the transformation of non-conflict situations into conflict ones, by tracing the pattern of causal relations among these conditions which then may give rise to a specific protracted social conflict (Azar, 1990: 7).

In this sense, the term protracted social conflict emphasises that the sources of such conflicts lay predominantly within and across rather than exclusively between States, with four clusters of variables identified as preconditions for their transformation to high levels of intensity (Ramsbotham, 2005a: 114).

The first pre-condition identified by Azar is the communal content of a given society, which points to the importance of identity groups –racial, ethnic or religious in relation to conflict. According to this view, if a society is characterised by multi-communal composition, protracted social conflicts are more likely to occur. The interplay between this characteristic and the colonial legacy¹¹ of the country, as well as with the historical pattern of rivalry and contest among different groups renders groups more political active and this countries more prone to internal instability (Azar, 1990:7).

¹¹ According to Azar, the application of the principle ‘divide and rule’ by colonialists tends to produce a unique political landscape where a State artificially incorporated a multitude of communal groups or a nation became divided into two or more zones (Azar, 1990:7).

Secondly, and drawing from John Burton's theory of unmet human needs¹², Azar considers that individual or communal survival is contingent upon the satisfaction of material needs (Azar, 1990:7); therefore, the deprivation of human needs becomes a crucial underlying source of protracted social conflict. Unlike interests, needs are ontological and non-negotiable, (Ramsbotham: 2005a:115) but are not always evenly or justly met. As a consequence, grievances resulting from need deprivation may be, as they usually are, expressed collectively. Due to unequal distribution of resources and development, many groups are marginalized and in such circumstances, these groups create a menu of responses designed to redress their grievances, which may include, and it often does, resort to violence.

In this context, social and economic factors are also crucial for the understanding of conflict. As Miall et al. point out

in the economic sphere once again would dispute Azar's contention that protracted social conflict tends to be associated with patterns of underdevelopment or uneven development. (Miall et al., 1999 apud Porto, 2008: 65)

Rapid transitions amid poverty and social exclusion, high unemployment (...) all increase vulnerability to armed violent conflict. As Michael Brown refers "unemployment, inflation and resource competitions, especially for land, contribute to societal frustrations and tensions, and can provide the breeding ground for conflict" (Brown, 1996: 19).

¹² According to the conflict scholar John Burton, humans need a number of essentials to survive, which go beyond just food, water, and shelter. They include both physical and non-physical elements needed for human growth and development, as well as all those things humans are innately driven to attain. Human needs theorists argue that one of the primary causes of protracted or intractable conflict is people's unyielding drive to meet their unmet needs on the individual, group, and societal level (Burton, s/d).

By emphasizing security, development, political access and identity as the most fundamental types of needs, he here also calls for a broader understanding of security, development and political access

Reducing conflict requires reduction in levels of underdevelopment. Groups which seek to satisfy their identity and security needs through conflict are in effect seeking change in the structure of the society. Conflict resolution can truly occur and last if satisfactory amelioration of underdevelopment occurs as well. Studying protracted social conflicts leads one to conclude that peace is development in the broadest sense of the term. (Azar, 1985: 69)

Azar does stress that deprivation of basic material needs per se does not directly give birth to conflicts (Azar, 1990: 9), but failure to redress these grievances by the authority cultivates a niche for a protracted social conflict. In this sense, negotiation, mediation and resolution techniques were important to achieve short-term breakthroughs, but addressing fundamental causes of conflict required long-term development (Ramsbotham, 2005a: 120).

The third pre-condition is governance and the role of State, the political authority responsible, in the modern world, for the satisfaction or deprivation of such needs. In this sense, a fair and just mode of governance would be to satisfy all human needs regardless of communal or identity cleavages, promoting development and stability (Azar, 1990: 10). This is rare, however. In relation to the role of State as a critical factor in the satisfaction or frustration of individual and identity group needs, Azar stresses the tendency of countries that experience protracted social conflicts to be ruled by incompetent, parochial and authoritarian governments, who do not fulfil their responsibilities and ultimately fail to satisfy basic human needs of their population.

As a result, in most conflicts of this nature, political capacity is limited by rigid or fragile authority structure, which, willingly or unwillingly, prevents the State from responding to, and meeting, the needs of various constituents (Ramsbotham, 2005a: 116). Furthermore, in these contexts, political authority tends to be monopolised by a dominant identity group or a coalition of hegemonic groups. These groups tend to use the State as an instrument for maximising their interests at the expense of others. As a result, the means to satisfy basic needs are unevenly shared and the potential for protracted social conflict increases (Azar, 1990: 10).

Since it is acknowledged that the role of the State in engendering or preventing protracted social conflicts by depriving or satisfying basic needs is not determined solely by endogenous factors, the fourth and final pre-condition identified by Azar as important in identifying and understanding protracted social conflicts are the international linkages. These are here defined as political-economic relations of dependency with the international economic system, and/or political-military relations through regional or global patterns of clientage (Ramsbotham, 2005a: 116), which often exacerbate the denial of needs of certain groups, distorting domestic political and economic systems through the realignment of subtle coalitions of international capital, domestic capital and the State (Azar, 1990: 11).

These are then the major clusters of preconditions for protracted social conflict pointed and developed by Azar. He nevertheless underlines that overt and enduring protracted social conflict will only occur depending on more contingent actions or process dynamic, which he further groups in three types of determinants that act as a sort of triggering factors: groups actions and strategies (type of reactions by the communal groups to a situation of neglect and marginalisation and which can

involve different types of mobilisation¹³); State's actions and strategies (range from political accommodation to coercive repression, depending on the level of inter-group relations); and also built-in mechanisms of conflict (related to the history of experience in conflict and the nature of the communication among hostile contestants and that also becomes responsible for the shaping of the behavioural properties of protracted social conflicts¹⁴) (Ramsbotham, 2005a: 117).

In sum, protracted social conflict occurs when communities are deprived of satisfaction of their basic needs on the basis of their communal identity and as a result of the interplay with other internal and external factors. In fact, the deprivation is the result of a complex causal chain involving the role of the State and the pattern of international linkages. Initial conditions, such as colonial legacy, domestic historical setting, and the multi-communal nature of a society play important roles in shaping the genesis of protracted social conflicts (Azar, 1990: 12).

The outcome scenario of these conflicts is usually a very pessimistic one. First of all, it causes the gradual deterioration of physical security and the institutionalisation of underdevelopment through the destruction of physical and social infrastructures, which deprives not only the victimised communities, but also the dominant groups, of the economic resources for satisfying basic needs. Secondly, it contributes to institutional deformity and to the degeneration of socio-economic and political

¹³ When organisational and communications systems break down within an environment of mutual distrust between groups, protracted social conflict can begin to escalate. An initial trigger may be, but need not be, a trivial event, which tends to become a turning point at which the individual victimisation is *collectively* recognised, leading to collective protest in the form of civil disobedience, guerrilla warfare or secessionist movements which are usually met by some degree of repression or suppression (Azar, 1990: 13).

¹⁴Conflicts associated with communal identities and fear of marginalisation, tend to involve an enduring antagonistic set of perceptions and interaction between and among the groups and the State. Conflict is then institutionalised and it becomes important to understand and analyse the perceptions and cognitive processes generated through conflictual interaction (Azar, 1990: 15).

institutions, making the satisfaction of human basic needs very difficult or even impossible (Azar, 1990: 16).

Given this complex and multiple dynamics, these entrenched conflicts tend to pose the most severe challenge to those concerned with conflict resolution and peacebuilding. The apparent intractability of these conflicts suggests that conventional approaches attempting to interpret and solve them are usually too narrowly conceived, failing to address the underlying dynamics that drive and sustain conflicts.

1.6. Chapter conclusions

Identity-based violent conflicts are widely viewed as being particularly difficult to manage, especially when such identity is defined along ethnic and religious lines. In his seminal *Ethnic Groups in Conflict* (1985), for example, Donald Horowitz identified several methods of conflict management, but dismissed others:

Between the naïveté of those who would abolish ethnic differences in short order through ‘nation-building’, the cynicism of those who would simply suppress those differences, and the pessimism of those who would counsel costly and disruptive partition as the only way out – between these goals, there lurk passages that are at once last dramatic, less visionary, and more realistic. (Horowitz, 1985 apud Simonsen, 2005: 304)

The main purpose of this chapter was to draw attention to the various theoretical approaches to the relation between ethnicity, religion and conflict and to need to go beyond simplistic arguments, attempting to provide more complete understandings of such complex conflicts so that conflict resolution and peacebuilding can effectively contribute to sustainable peace. We have mainly tried to argue against the general

and long-lasting assumption that a greater degree of ethnic or religious heterogeneity in a given country is, by itself, a factor of increased risk of conflict due to ancient and natural tensions and antagonisms these usually entail.

By doing this, we do not intend, however, to make *tabula rasa* of the potential influence of a diverse ethnic or religious fabric in a given society's stability or instability, but rather to stress that it does not work as an exclusive variable. By doing this we wish to open the debate in search for deeper analysis and understandings of complex conflicts such as those occurring in certain societies and of the necessary comprehensive and sustainable preventive strategies.

Therefore, one of the fundamental lessons that can be drawn from these theoretical debates is that the causes of conflicts are often highly complex, with processes in which religious or ethnic factors, although present, tend to assume a more subordinated role as sources of conflict (Hasenclever and Rittberger, 2000: 673). The competition for scarce resources between social groups, the need to fulfil needs that the State cannot guarantee, the conditions of poverty and social collapse and asymmetries of power, all contribute to the reinforcement of the division between ethnic and religious groups (Ferreira, 2005b: 69).

Since ethnic and religious identities are dynamic both in their salience and in their character, even when social violence and armed conflict have deepened divisions between groups, important opportunities for peacebuilding may be lost if one fails to acknowledge this dynamic nature of group identities (ethnic, religious) and opt for policies that institutionalise and eventually aggravate and deepen those same differences. The focus here should be instead on the design of political, social and economic institutions and structures, and the way in which they may encourage elites

to transcend identity boundaries even in a context of deep ethnic or religious divisions. But it is also a matter of perceptions of the 'other'. As long as different groups' existence is seen, referred to and manipulated, as being a threat to another group's existence and survival simply because they are perceived as belonging to a different image of community, violence will always be an easy path and ethnicity or religion a useful and handy excuse.

The contribution of alternative interpretations and approaches, such as the ones advanced by Edward Azar, John Burton or Johan Galtung, based on a more structural interpretation of the causes and factors that can lead to conflict is thus of fundamental importance to overcome simplistic and dangerous assumptions that relate the ethnic or religious diversity of a country to an inevitable tendency for violent conflict. As it has been mentioned in this chapter, reality is much more complex and calls for a much more rigorous and serious analysis. Being able to understand that identities are flexible, mutable and adaptable and that there may well be an inherent potential for peaceful coexistence in all of them is thus one of the main challenges ahead.

'Just as the signing of a peace accord does not equal 'peace', pledges of aid do not equal delivery aid.'
(Labonte, 2003: 269)

2. RESPONDING TO CONFLICT AND BUILDING PEACE IN THEORY AND PRACTICE: A CRITICAL ANALYSIS OF THE EVOLUTION OF DOMINANT STRATEGIES

2.1. Introduction

One of the conclusions that can be drawn from the previous chapter, where we shed some light on the debate concerning the role of multiple and more structural causes that can feed protracted social conflicts in certain societies, is that understanding and preventing armed conflicts has never been an easy task, mainly due to their inherent complexity. But this task becomes particularly difficult in the case of internal conflicts in societies where visible, and often instrumentalised, ethnic and religious divisions, give place to simplistic interpretations that can easily render solutions and prevention an almost impossible mission.

After the end of the Cold War, preventing and resolving conflicts, as well as restoring and building peace in complex scenarios, became a sort of new '*mission civilisatrice*'¹⁵ (Paris, 2002) in the hands of the international community, with many peripheral regions of the world undergoing violent internal conflict and requiring various forms of curative interventions. In practice, this meant that international actors began pursuing a broadly common strategy for dealing with states experiencing civil violence based on the principles of the liberal peace idea. The particularity of this strategy was that it was defined on the assumption that liberalization was the key to promote internal peace and stability in such contexts (Paris, 2001: 766) and that liberal forms of government, as well as a radical

¹⁵ According to Roland Paris, the contemporary practice of peacebuilding can be considered a modern, updated version of the colonial-era belief that the European imperial powers had a duty to 'civilise' dependent 'barbarian' populations. Although this archaic language has been abandoned and the project is far less mercenary and extreme in its objectives, the idea is still one that assumes that the model of liberal market democracy is superior to all others and must be applied abroad to rule the territories of the periphery (Paris: 2002).

development discourse, should be part of a hybridised response to conflict (Richmond, 2007: 56). The aim of the liberal peace project is thus to transform ‘dysfunctional’ and war-torn countries situated on the borderlands of the international system into cooperative, representative and stable states (Duffield, 2001: 11). Therefore, a particular vision of how states should organise themselves internally was put forward, mainly based on the principles of liberal democracy and market-oriented economics. Politically this meant democratisation, whereas economically the strategy was one of creating the conditions for a clearly market-oriented economic structure. Reconstructing these states in accordance with this vision basically meant that external actors had effectively passed standards of appropriate behaviour from the Western-liberal core of the international system to the failed states of the periphery (Paris, 2002; Duffield, 2001). Still according to Duffield, the current concern of global governance is to establish a liberal peace on its troubled borders: to resolve conflicts, reconstruct societies and establish functioning market economies as a way to avoid future wars (Duffield, 2008).

However, despite efforts in designing several instruments and policies to resolve and prevent such conflicts, results have not always been successful (Nkundabagenzi, 1999: 280), especially at the light of most commonly established goals, such as conflict resolution, prevention of violence or peaceful and sustainable reconstruction. In fact, and looking back to specific case-studies such as Somalia, Rwanda or Bosnia these goals have not been successfully achieved. One can of course question the types of intervention and strategies applied, but they certainly show an attempt of the international community to get involved in resolving conflict, not necessarily with the best and most effective tools and strategies.

In fact, and although helping create awareness for the multiple and more complex causes of conflict, these strategies and models ended up crystallising a very unbalanced and limited agenda of priorities, clearly favouring civil and political rights and institutions and neglecting economic, social and cultural guarantees. As a result, the application of such models and strategies in developing countries experiencing violent and enduring conflict has had mixed results and became under intense criticism due to their apparent ineffectiveness in achieving sustainable peace. This happened, in part, because the idea and goal of resolving conflicts and building peace often carried a sense of hegemony of the dominant powers who dictated what would be a preventable conflict, when prevention should occur and what should be the most appropriate tools (John, 2005: 1) to do so, without paying due attention to the real causes and needs. However, the idea that rapid political liberalization and marketisation- on which peacebuilding and conflict prevention strategies and ideologies are based-, will always have pacifying effects on states that have experienced violent conflict is, in essence, based on wrong and faulty assumptions (Paris, 2001: 766). In most contexts, instead of elections and market economies, the aftermath of civil conflict requires political and economic stability and institutional structures to guide an equal and sustainable reconstruction of the whole society (Paris, 2001: 767).

Bearing this in mind, the aim of this chapter is to critically analyse and evaluate the changes and evolution in the traditional and dominant models to resolve conflicts and build peace, by shedding light on their limited agenda and priorities and the way in which this liberal peace project tends to obscure much more complex - and often invisible - forms of inequality and dynamics that sustain and reproduce conflict.

2.2. The *peacebuilding consensus*?: Origins, gains and losses

Ever since its creation in 1945, the United Nations has been involved, among other activities, in conflict prevention and peacekeeping missions. However, the end of the Cold War brought with it an increase in the number of armed conflicts worldwide, sharing as a common feature their internal and often protracted nature¹⁶. According to Wallensteen and Sollenberg

A total of 111 armed conflicts have been recorded for the years 1989-2000. Of these, 33 were active in 2000. This represents a decrease from 1999 and 1998, and it is the lowest number of armed conflicts recorded in the post-Cold War period. Seven interstate armed conflicts were recorded for the whole period, of which two were still active in 2000. The decrease in the number of armed conflicts is not sufficient to conclude that there will be a further decline. Conflicts have become increasingly complex in terms of number of actors and regional connections between those actors. There is a larger proportion of new and minor armed conflicts being resolved than long-running and complex major armed conflicts. (Wallensteen and Sollenberg, 2001)¹⁷

With this increased visibility and complexity of internal armed conflicts, there has also been a recognition in academic and policy circles that it was essential to define a more proactive response, rather than the reactive one being advocated (John, 2005: 1) and traditionally used to respond to crisis. Progressively, an apparently new type of concern emerged within the international community in general, and within the United Nations in particular, related to the need and obligation to participate in, and

¹⁶ According to Wallensteen and Sollenberg, from 1989 to 2000, there were 111 armed conflicts in the world, of which 104 were intrastate conflicts (Wallensteen and Sollenberg, 2001).

¹⁷ According to another study made by Eriksson and Wallensteen, the global number of armed conflicts continued to decline in 2003. A total of 29 conflicts in 22 countries were active in 2003, as against 31 conflicts in 23 countries in 2002. This is the lowest level of armed conflict since the early 1970s. The probability that any particular country was involved in a conflict has never been lower since the early 1950s. Five of the conflicts active in 2003 reached the level of war. A total of 229 armed conflicts in 148 countries have been recorded for the period after World War II (1946–2003). Of these, 116 conflicts in 78 countries were active in the period after the end of the Cold War (1989–2003). Most conflicts are internal: only seven interstate armed conflicts were recorded in the period 1989–2003, of which two were still active in 2003 (Eriksson and Wallensteen, 2004).

contribute to, the resolution of conflict as well as to the post-conflict rehabilitation of war-torn countries. In response to a reinterpretation of conflict dynamics and their more multidimensional nature, a more multidimensional type of response was also put forward, mainly characterised by specific tools and priorities geared to conflict and post-conflict scenarios in order to achieve long-lasting peace. In this scenario, liberal peace ideas, intimately linked to a territorially sovereign and democratic state, became the foil by which threats were to be identified and responses to conflict and post-conflict were to be defined (Richmond, 2007: 13).

Included in these new concepts and practices of external involvement in conflict or post-conflict scenarios, conflict prevention became an assumed priority. In its traditional and common sense, conflict prevention traditionally aims basically at preventing existing social conflicts from escalating and becoming violent, since non-violent conflict can be seen as a factor of social transformation in a given society. This concept is usually divided into two categories: operational prevention and structural prevention. According to the Carnegie Commission for Preventing Deadly Conflicts, operational prevention takes place with the help of outsiders when the parties cannot do it by themselves, and maintains that in this case there should be a leading country, individual or organization, a coherent political, military and humanitarian approach drawing on adequate resources and a plan for the restoration of the authority in the host country (Carnegie Commission, 1997: xxi). Regarding structural prevention, it includes and emphasises security, well-being and justice as well as putting in place internationally recognised legal systems, dispute resolution mechanisms, meeting people's basic economic, social, cultural and humanitarian human needs (Carnegie Commission, 1997: xxviii). Structural prevention thus aims

at addressing the deepest causes of conflicts and stimulating a sustainable peace process in the longer-term, contributing to rebuild societies that have been struck by war. Therefore, effective prevention strategies would depend on a correct identification and analysis of conflicts and their causes. In the case of internal conflicts, these causes are usually related to the political culture of the country - democratic deficit, human rights violations, and private appropriation by the State - as well as to the structure of the community – ethnic or religious diversity, group asymmetry or a culture of violence. In the attempt to better address these complex causes, the international community progressively defined a project of liberal democracy, free market and globalised economies, development and human rights guarantees (Richmond, 2004:132).¹⁸ One can trace the theoretical and practical roots of the liberal peace project back at least to the writings of philosophers such as John Locke¹⁹, Immanuel Kant or even Adam Smith (Paris, 2004: 41). According to Locke (*Two Treatises of Government*, 1698), for example, only one type of government would be compatible with a secure and just peace: a law-based regime operating under constitutional rules and established by popular consent. The creation of a government that did not correspond to these features and violated individual liberties and freedoms would contribute to a return to the state of nature and to all the violence and insecurity entailed (Paris, 2004: 47). In the same line, Immanuel Kant's thinking also provides us with a very comprehensive representation of the liberal peace project and of how it should be fomented in modern states (Richmond, 2007:

¹⁸ An example of this political and economic liberalisation, which conforms the liberal peace model, is the World Bank's framework for conflict analysis and which identifies key areas of action such as social and ethnic relations, economic structures, governance and political institutions and human rights or security (Richmond, 2007: 57).

¹⁹ Locke and other liberal theorists opposed to the idea of authoritarian rule since it threatens individual freedom, violates natural rights and promotes rebellion and civil unrest (Paris, 2004: 47).

25). His work *The Perpetual Peace: a Philosophical Sketch* (1795)²⁰ foresaw the conditions for a permanent union for peace and security (Richmond, 2007: 26). Those conditions were that all States should be republican (democratic); international order should rest upon a federation of States; and non-citizens should be granted ‘universal hospitality’. In 1965, and by affirming that world peace “must be planted on the tested foundations of political liberty” (Wilson, 1965 apud Paris, 2004: 41) and that a precondition for international peace was political stability within states, securing rights of the people and democratic self-determination, Woodrow Wilson became one of the first statesman to articulate what is now known as the liberal peace thesis (Paris, 2004: 41), a thesis that was progressively formulated, rephrased and embraced by various others political theorists, politicians and international analysts. These ideas linked peace to self-determination and liberal democracy (Richmond, 2007: 39) and clearly set the basis for the understanding and implementation of the liberal peace ideas underlying contemporary peacebuilding model. In this context, and since the liberal peace conception recognises that peace may not be a natural condition but that it may rest upon some political, economic and social preconditions, it became the central core of the several forms of economic, political and social intervention and engagement of external actors (Richmond, 2007: 52).

The concept of post-conflict peacebuilding, for example, first mentioned and referred to in United Nations’ Secretary-General Boutros Boutros-Ghali 1992 *Agenda for Peace*, was defined as

²⁰ Kant’s *Perpetual Peace: a Philosophical Sketch* was based on an understanding of peace that believed in a ‘categorical imperative’ that exists as an innate moral law. This allowed for its universalisation, and dictated that human beings should be treated as ends rather than as means. This would imply the creation of just laws that were to be reflected ideally in a republican political order (in a sense of a democratic one) (Richmond, 2007:26)

an action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict, rebuilding the institutions and infrastructures of nations torn by civil war and strife, and tackling the deepest causes of conflict: economic despair, social injustice and political oppression. (Boutros-Ghali, 1992)²¹

Later, in 1995, the *Supplement to An Agenda for Peace* extended and clarified this definition as follows

(...) comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people. Through agreements ending civil strife, these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriation of refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation. (Boutros-Ghali, 1995)

The underlying concern was the need to include a more comprehensive and multidimensional approach in conflict prevention and post-conflict peacebuilding, by identifying the deeper causes of conflict and supporting structures that could actually and effectively consolidate peace.

In the liberal peace project tradition, peacebuilding thus increasingly refers to the full spectrum of interventions designed to facilitate the establishment of durable peace and prevent the recurrence of violence. Such interventions include peacekeeping, peace support operations, disarmament, demobilization, rehabilitation and reintegration. Taking a Galtungian approach, it incorporates elements of both negative peace and positive peace, meaning the absence of both physical and

²¹ The *Agenda for Peace* is available at www.un.org/Docs/SG/agpeace.html

structural violence, seeking to address the root causes and effects of conflict by restoring broken relationships, promoting reconciliation, institution-building and political reform, as well as facilitating economic transformation (Karbo, 2008: 115). Although this concept has been expanded ever since, to cover broader objectives aimed at alleviating the worst effects of war on populations and promote a more sustainable and long-term development,²² the progressive practice and involvement of the UN in this context ended up consolidating what has progressively been known as the UN's post-settlement peacebuilding 'standard operational procedure'²³ (Ramsbotham, 1999). Within this process, the crucial work of demobilizing ex-combatants, rebuilding societies, establishing political institutions and creating the conditions for economic and social development to manage and ultimately prevent violent conflicts has become the mainstay of a large array of development and humanitarian actors, international institutions and national bodies (Krause and Jütersonke, 2005: 447). Roland Paris further divides the mechanisms used to promote these liberal political and economic models into four broad categories: shaping the content of peace agreements²⁴ (in order to include the goal of political liberalisation); providing 'expert' advice to local parties during the implementation of the agreement (thus guiding the process of political and economic liberalisation); imposing

²² For example, Michael Pugh defends that in the context of the United Nations-authorized peace support measures, peacebuilding can be defined as a policy of external international help for developing countries designed to support indigenous social, cultural and economic development and self-reliance, by aiding recovery from war and reducing or eliminating resort to future violence. (Pugh, 1995:328)

²³ This is a sort of multifaceted 'model' that has been implemented mainly in the course of the 1990's in a number of countries- Cambodia, El Salvador, Guatemala, Mozambique, Kosovo, East Timor and which includes a number of crucial and well-defined efforts and processes, which include addressing the return of refugees and Internally Displaced Persons to the disarming, demobilisation and reintegration of former combatants into civilian society, providing assistance for democratic development, re-establishing the rule of law and supporting economic and social development.

²⁴ There are several examples of this approach: El Salvador, Rwanda or Bosnia, with peace agreements clearly obeying to the political goals and principles of the international mediators.

conditionalities on economic and political reforms in exchange for economic aid; performing quasi-governmental functions, or 'proxy governance', with external actors helping host governments and institutions perform administrative tasks (Paris, 2002: 642-645).

The conflict prevention and peacebuilding ideas have thus come to mean all types of peace initiatives in the life cycle of a conflict thus becoming a catch-all term as well as an easy entry point for academics and policy-makers who traditionally did not have much to do with the field of conflict prevention in the first place (John, 2005: 3).

According to Richmond, this sort of contemporary 'peacebuilding consensus' represents a new discourse and practice of both means and ends which include mediation, peacekeeping, conflict resolution, prevention and transformation, as well as development strategies in a multidimensional process, aimed at the amelioration of conflict (Richmond, 2004: 131). It presupposes that there is a universally agreed normative and cultural basis for the liberal peace and that such practices will be supported by all actors involved (Richmond, 2007: 112). At the same time, this consensus seems to indicate that if war is to be avoided or reverted, certain forms of governance need to be put in place, through multiple interventions (Richmond, 2007: 154), including those of a more humanitarian or military nature. This consensus, however, is here considered as highly contested and flawed, as well as based on a limited interpretation and evaluation of both the causes of conflict and the necessary measures to prevent or tackle it.

Proof of this is the fact that despite the relative overall success of many United Nations-led peacebuilding missions, there have been important and repeated failures

and limitations related both to the model itself (and the assumptions and priorities underlying it) and to its implementation, mainly concerning the true capacity developed by the international community to understand conflict and to support and develop sustainable political, economic and social community structures in many countries experiencing violent armed conflict. Although these efforts in transforming war-torn countries into liberal market democracies have been implemented in several states²⁵, in most cases they have not succeeded in reshaping and rebuilding the domestic affairs and structures of host countries. The prospects of peace and stability in such contexts thus become illusive and void.

Furthermore, and although theoretically, at least, the United Nations acknowledge the uniqueness and the different circumstances of each conflict and post-conflict situation, denying the type of 'one-size-fits-all' peacebuilding model, practice tends to show the imposition of a specific neo-liberal model, translated into demands for compliance and respect for a catalogue of basic civil and political rights, elections, democratic institutions. More importantly and worrying is the fact that this is done at the expense of a deliberate blurring of economic and social rights and often ignoring the more complex and structural causes of conflict. In fact, a more careful analysis of most of the resolution and peacebuilding processes in which this model has been, or is being, applied shows that there is a worrying tendency of major actors involved, including the United Nations, to adopt a state-centric, top-down approach to conflict prevention and post-settlement peacebuilding (Miall, Ramsbotham, Woodhouse, 1999: 198).

²⁵ Examples of such interventions are Namibia, El Salvador, Nicaragua or Mozambique. For more detailed and complete information on these cases, please see Paris, Roland (2004), *At War's End: Building Peace after Civil Conflict*, Cambridge: Cambridge University Press.

At the same time, these responses and strategies are often based on faulty and limited assumptions. For example, it is almost naturally assumed that the liberal peace ideas, obeying the standards of liberal states and institutions, are multilaterally guaranteed, democratic, and incorporating the mechanisms to solve conflict, oppression, underdevelopment and implementing human rights and democratic governance (Richmond, 2007: 54). In some circumstances, prevention and peacebuilding efforts tend to rest on the assumption that a sophisticated, yet still utopian, ‘social engineering’ approach could replace, or accelerate, a process of state formation that occurs rather more organically (Krause and Jütersonke, 2005: 448).

What this clearly suggests is that what is being conceived within this peacebuilding consensus and the liberal peace project is an hegemonic discourse in peace that has been redefined in order to create a greater consensus on the ideas of democratisation, free market, human rights and development that will allegedly lead to peace and stability in post-conflict societies (Richmond, 2007: 80). Quoting Richmond on this, the definition of liberal peace in this context is one

[...] contained within the methodological and objective-oriented peacebuilding consensus where like-minded states, international, regional and local actors coexist in a western-oriented international society in which states are democratic, human rights are observed, and multilateralism is the norm except in extreme circumstances. This view of liberal peace provides the model for that being produced in conflict zones through peacebuilding. (Richmond, 2007: 121)

Although peacebuilding interventions in post-conflict situations has been viewed by Western actors as prime opportunities for reconstruction of the state, and most significantly, its reform, Robin Luckham writes that

The problem remains that reform tends to be conceived in terms dictated by the major donors and international agencies, prioritising the usual formula of liberal democracy, good governance and economic liberalization. Whilst elements of this formula are desirable in themselves, the entire package, and the manner in which it is promoted or imposed from the outside, tends to inhibit the fundamental rethinking that post-conflict states require about the nature and purposes of political authority. (Luckham, 2004 apud Karbo, 2008: 115)

Preventing conflict and building peace is thus seen as a highly externally driven process that often results in an experiment of social engineering controlled by outsiders and often disengaged from the societies they are trying to rebuild. Others - like Roland Paris (2004) or Mark Duffield (2001)- have taken this argument even further and argue that peacebuilding, within such models, basically serves the external actor's own agendas by 'transplanting western models of social, political and economic organisation into war-torn states in order to control civil conflict in the peripheries of the international system' (Zeeuw, 2001: 27). According to this view, most efforts to prevent conflict and build peace have been co-opted into a global security regime that uses conflict resolution, social reconstruction and development simply to transform target societies in the image of the interveners, without considering their true impact and effectiveness in terms of building sustainable peace. In this sense, conflict prevention and peacebuilding are considered primarily as a matter of restoring law and order, a security problem in the satisfaction of which the entire governmental and non-governmental efforts will be coordinated (John, 2005: 10). The main goal is to pacify the unruly periphery and maintain the status quo and stability in the developed core of the world system (Ramsbotham, 2005: 120). In fact, and even if one does not want to take such argument to an extreme, it must be acknowledged that traditional models of external involvement in such

conflicting contexts tend to depend greatly on some specific interests of external actors, be they individual states or regional or international organisations (which depend on the interests of the states that sustain them).

This sort of global liberal governance thus responds to the turbulence of emerging political complexes by creating its own emerging strategic complexes as a means of dealing with the instances of violence that the densely mediated policies of the West periodically find unacceptable there or in response to the security threats that they are generally said to pose. As a consequence, conflict prevention becomes a part of that same strategic complex (Dillon and Reid, 2000 apud John, 2005: 14). Therefore, when attempted in countries transitioning from violent conflict, conflict prevention and peacebuilding as advocated and modeled by the West tends to encounter tremendous challenges (Labonte, 2003:261). In this sense, multilateral or bilateral approaches to conflict prevention and peacebuilding, whether driven by donor tools and capacities (deductive) or by conflict parameters (inductive), help shape and determine peacebuilding outcomes. Because deductive approaches disregard questions about peacebuilding priorities and tend to favour institutions over processes, they often result in failed or mixed outcomes. In contrast, inductive approaches to peacebuilding are problem driven and tend to deploy international assistance to redress chronic inequalities or social cleavages, in addition to aiding conflict resolution efforts. Although a more inductive approach to conflict prevention - which focus on the explanation of the social, economic and political factors that cause or contribute to conflict-, is basically aimed at identifying appropriate ways for external action that may redress those causes, it can also be more difficult to sustain. In fact, identifying root causes is a complex and demanding task and the international community is often

not willing or well-equipped to design the appropriate strategies to do so (Zeeuw, 2001: 14-15). In fact, a quick analysis of past interventions easily shows us that repeated failure in acknowledging the complexity of peacebuilding tasks can, and has been, costly in human, political and economic terms. Because most programmes and forms of involvement are usually temporary and based on technical fixes in the form of disarmament, law and order programmes or elections, external assistance to war-torn societies has often been translated into a 'quick-fix' approach (Zeeuw, 2001: 26). Most peacebuilding and reconstruction programs rely on democratic institution building and economic recovery through free market-oriented strategies, frequently assuming that such process ends with the establishment of a new government along with the introduction of economic recovery packages, without paying attention to how these projects are actually undermined by the lack of social and economic foundations in such contexts. This clearly shows that not enough attention is being given to local political, social and economic contexts that can, in fact, determine the sustainability of these peacebuilding and conflict prevention strategies (Jeong, 2005: 2).

In this context, as Reychler refers, positive and constructive lessons learned in conflict prevention and peace-building efforts have been inhibited by some important political impediments, such as a lack of perceived interests or competing definitions of peace and peacebuilding goals (Reychler, 2007: 153). He summarises this as follows

First, there is the problem of commitment to conflict prevention and peacebuilding. The propensity to intervene is related with the perception of interests. When vital interests are at stake, donors will tend to make greater efforts than when interests at stake are perceived as marginal. Second, when there is no consensus on the peace one wants to achieve, it is difficult to build it. (Reychler, 2007: 153)

In sum, and although rehabilitation after violent conflict is today relevant to many countries, it is in general too narrowly specified, too short term and too fragmented with no macro strategic or conceptual frame. Further it is usually based on quite inadequate knowledge of the history, priorities and dynamics of the afflicted country. Taking this into consideration, and despite the assumption of a so-called peacebuilding consensus, this apparent consensus could well be a mask for the darker dynamics of hegemony in the international system (Duffield, 2001). This suggests that the processes being used to build peace today serve the interests of dominant actors rather than constitute a peace based on real consensus, including the recipients of those same processes (Richmond, 2007: 123). Furthermore, although globalisation contributed to an increased awareness of the conflicts that need redressing and of the tools to do it, it also seems to be true that instead of a consensus what has been resulting is a lack of consensus further weakening peacebuilding and calling for a bigger attention to concepts and mechanisms used to prevent and resolve conflicts (Richmond, 2004: 132).

Therefore, it appears to us that it is of critical importance that, in any conflict or post-conflict society, multilateral and bilateral donors recognize that when strategies are well devised and efficiently employed, they can have the potential to generate a range of benefits that extend well beyond the post-conflict phase (Labonte, 2003: 271). Acknowledging this is particularly important since it basically defines whether involvement and intervention is truly committed to creating the sustainable structures for sustainable peace or not. In other words, if one envisages peace merely as the

absence of armed conflict, without looking at the structural dimension of peace, then intervention will hardly be effective in the longer-term.

2.3. Chapter conclusions

The end of the Cold War seems to have offered the opportunity for international actors to revisit dominant conceptions of security and development at the international and domestic levels, and to devise supposedly coherent policy instruments and policies to address violent conflicts from a peacebuilding perspective. At the same time, the bridging of the security and development agendas within the concept of peacebuilding also seemed to help dealing with a full range of issues threatening international peace and stability (Tschirgi, 2003: 1). The international stage was then set to take a holistic approach at the complex problems ailing the global community beyond the stability of the international system and the security of states. Reflecting new concerns and priorities - related to human rights, good governance and rule of law, policy developments or institutional reforms -, liberal peace conceptions and peacebuilding aimed at the prevention and resolution of violent conflicts, the consolidation of peace, and post-conflict reconstruction in order to avoid a resumption of war. All this should be achieved by addressing the proximate and root causes of conflicts including structural, political, socio-cultural, economic and environmental factors (Tschirgi, 2003: 2-3). In theory, conflict prevention and post-conflict peacebuilding was to be sustained in distinct, yet interrelated, 'pillars': security related to all aspects of public safety, aiming at creating a safe and secure environment; justice and reconciliation through formal and

informal mechanisms and an impartial and accountable legal system for the future; social and economic well-being to address fundamental social and economic needs; and governance and participation to create legitimate, effective political and administrative institutions and participatory processes (Hamre and Sullivan 2002: 91-92).

However, time and a more rigorous analysis of reality has come to show us that peacebuilding and conflict prevention missions, important as they are, are not simply exercises of conflict management. They are rather the reflection of a particular model of domestic governance that is essentially globalised from the core to the periphery of the international system and that is based on the principles of liberal market democracy (Paris, 2002: 638). Despite being advocated as neutral, objective and benevolent, the liberal peace model is, at the same time, also accused of establishing and maintaining insidious practices of external intervention (Richmond, 2007: 73) obeying to the principles and values advocated universally mostly by Western developed states and institutions. The values and institutions of the liberal democratic core are thus transplanted into the domestic affairs of peripheral host states (Paris, 2002: 638), in an effort to reconstruct parts of the periphery at the image of the core. This sort of liberal social engineering project therefore assumes that the international community can unpack the historical process by which contemporary states were built, determine how a stable and secure domestic order was created, and apply the 'recipe' – with appropriate adaptation to local circumstance – to all kinds of post-conflict environments. These efforts are all based not only on some idea of what will or will not work in a given context, but more importantly on what the end product – a stable, participatory, liberal, democratic and

capitalist state- should look like (Krause and Jütersonke, 2005: 451). . However, and being based on conditionality, liberal peace goals may engender complex and problematic internal contradictions, since the creation of a sovereign state according to such principles and values may not necessarily be compatible with economic and political liberalisation, good governance and human rights. Ultimately, as pointed out by Duffield, this may mean that liberal peace can be geared towards a logic of exclusion and selective incorporation, mainly constructed, maintained and stimulated by external actors (Richmond, 2007: 83).

However, and as Jeong wisely reminds us, the experiences in the mid-1990s in places like Somalia, Bosnia or Liberia, for example, have come to show the international community that sustainable peace based on principles of justice can be a very illusive objective if considered in the absence of a long-term perspective of structural transformation (Jeong, 2005: xi). According to Richmond, this simply means an illiberal peacebuilding interval where external actors control governance until they consider societies to be sustainable constituted and allow local institutions and populations to control themselves (Richmond, 2007: 150). From a critical stance, this reflects a minimalist approach focused on prevention and peacebuilding efforts without necessarily creating positive conditions for structural transformation (Jeong, 2005: 22) that undermines, in practice, the need for a more comprehensive and coherent approach to internal violent conflict in poor developing countries. According to Nicole Ball (2005)

Civil wars occur at different levels of political and economic development, with diverse political and social systems and varying physical and human resource endowment, cultural and historical experiences. (Ball, 2005)

In this context, for structural peacebuilding to occur, the focus should be on the systemic and structural conditions that foster violent conflict. Stable peace must thus be built on social, economic and political foundations that are a response to the needs of the people. Therefore, the root causes of poverty, corruption, discrimination and unfair distribution of resources need to be addressed (Karbo, 2008: 122).

In this sense, the question here is not so much whether the international community should or should not get involved in conflict prevention and peacebuilding in war-torn societies, but rather the way in which such involvement takes place and under what circumstances and conditions. In this sense, both peacebuilding and liberal peace projects are here viewed and criticized for being a biased strategy in favour of liberal political and economic models that promotes a very imbalanced agenda of human rights and obscures the much more complex and structural causes that sustain and reproduce conflict. The attachment of political and ideological strings to these policies and strategies further reinforces the negative impact that such interventions may have. Furthermore, the definition and implementation of models that are universally and almost blindly applied to every single contexts runs the risk of aggravating, in the longer-term, the conditions that lead to conflict in the first place. If prevention and reconstruction strategies do not understand the deeper and less visible causes that may lead to conflict, and define priorities accordingly without imposing specific biased and limited political or economic models, then they will hardly ever be effective.

In sum, it is fundamental to acknowledge that different post-conflict settings require different priorities and consequently define and implement more effective and

sustained strategies that avoid one-fit-all type of models and actually respond to the complexities of conflicts. In order to do that effectively, prevention and peacebuilding frameworks must instead sharpen and retain their focus in order to consolidate peace in the short term while increasing the likelihood that future conflict can be managed without resorting to violence (Labonte, 2003: 270). In the line of Azar's theory of protracted social conflict, peacebuilding and conflict prevention strategies should imply something more positive and dynamic than simply creating a stable and organized state. It should be about building political, economic and social institutions based on the notions of good governance, inclusion and human well-being (Krause and Jütersonke, 2005: 454). It should have interacting economic, political and social dynamics and effects, ranging from livelihood rebuilding, reduction of perceived inequity, reconciliation and legitimacy restoration not least by rehabilitating access to basic services.

All these tasks and endeavours seem to be even more fundamentally challenging in societies characterized by deep social and economic inequalities that are common to many divided and impoverished countries; considering that in such contexts one of the main gaps in dominant conflict prevention and peacebuilding is exactly the lack of attention given to socio-economic inequalities and the role these play in feeding conflict, prevention and peacebuilding strategies must be geared towards modifying social structures and processes associated with such political and economic power imbalances (Jeong, 2005: 3). In this sense, political and economic stability, as well as social reconciliation highly depend, in the long run, upon how to effectively identify, tackle and decrease the gross inequalities between racially and ethnically divided groups through poverty reduction (Jeong, 2005: 12). Bearing this in mind, the next

chapter will present an alternative approach to conflict, based on the recognition that thoroughly addressing socio-economic inequalities and guaranteeing economic and social rights to the population can provide a more sustainable basis for peace.

“When you leave a person in his or her place, there is peace, but when you displace a person from his or her place, problems will start. When a person is not in his place, has no food, has no shelter, has no school, has no health service, there are looming problems and this is the beginning of war”

(Cardinal Zubeir Wako, Catholic Archbishop of Khartoum)

3- ADDRESSING SOCIO-ECONOMIC INEQUALITIES AS A BASIS FOR PEACE: AN ALTERNATIVE APPROACH TO CONFLICT?

3.1. Introduction

As it has become clear from the previous chapter, since the end of the Cold War peace and development have become intimately related, with the UN and other international actors attempting to address the twin imperatives of security and development through integrated and multidimensional approaches and policies. At the same time, the scope of peacebuilding has been broadened significantly, progressively incorporating conflict prevention, conflict management and post-conflict reconstruction (Tschirgi, 2003: i). Following this, the imperative of liberal peace became an end in itself that appeared to legitimate the means used, giving rise to some significant contradictions in contemporary practices aimed at, desirably, constructing peace from below (Richmond, 2007: 128).

This amplification and globalisation of liberal peace efforts and strategies towards violent conflict has been viewed both as a solution to the complexities of the so-called new wars in the periphery through the promotion of liberalisation, democratisation and human rights, and also as a sort of hegemonic project led by and according to the Western powers, economies and norms (Richmond, 2007: 75). Intended as a cure against economic ‘marginalisation’ and aimed at the dismantling of patrimonial regimes, liberalisation has, up until now, helped to increase rather than reduce structural tensions (Chabal et al, 2005: 39). This resulted inevitably in a scenario where the imposition of models, values and goals rendered sustainable and effective strategies to achieve peace almost unachievable goals.

For many scholars and authors, the main explanation and justification for repeated failures to address conflict and promote peace under this framework was and still is the focus on the crucial role played by root causes in originating conflict. According to dominant approaches to peace and conflict, the failure to address the root causes of a given conflict will inevitably compromise successful outcomes of interventions and peacebuilding strategies. The widely shared conviction that successfully achieving peace and stability requires addressing and acknowledging the 'root causes' thus seems to resolve the tension between theory and practice of intervening in conflict or post-conflict scenarios. By knowing parties well and taking their grievances seriously, as well as context and needs success is almost guaranteed. In this sense, failing to address and identify such root causes will inevitably lead to failure and unsustainability of peace processes.

This is, however, a frequently contested view. Susan Woodward, for example, identifies two main problems with this explanation: first of all, it is so widely shared and so impervious to variation in outcomes that it prevents careful research on the relation between policies and practices of intervention and specific consequences in a case; secondly, it is probably a wrong and faulty explanation. Woodward thus proposes three sets of reasons why a focus on the 'root causes' of a conflict will not improve the outcomes and effectiveness of peacemaking or peacebuilding interventions and can even be counterproductive: (1) the knowledge on causes shaping current policies, (2) the new research on civil war that distinguishes the causes of war from the causes of violence and the transformations caused by war which peacebuilders face, (3) and the interests of those who matter in intervention

(Woodward, 2007)²⁶. She organizes these reasons into three broad questions. The first question concerns what do we know about the causes of civil conflict?

Policies to end the violence and create peace when intervention takes place have also, however, been largely shaped by one or all of three main causal arguments concerning the causes of conflict: the cultural argument (cultural content of societies dictates paths to peace or violence), the economic argument (civil war is caused by rebel groups seeking economic gain and creating parallel and profitable war economies), and the political regime argument (civil war is caused by authoritarian rule and lack of democracy). Woodward's main argument concerning this question is that these arguments and concerns may well seem understandable and valid; however, if effective peacebuilding depends on addressing those root causes and the knowledge on which policies are based is wrong, then intervention may well end up doing more harm than ignoring cause altogether.²⁷ Moreover, and somehow most importantly, the parties and actors involved themselves will inevitably disagree on the identification of those same root causes, which clearly results from the inherently complex and multi-causal nature of civil wars (Woodward, 2007). The second question is what does the newest research on the dynamics of civil war itself tell us about the role that its causes should play in bringing the violence to an end? When attempting to understand why the root causes may not necessarily matter when addressing conflict, one must be aware and acknowledge the dynamic and

²⁶ Complementarily to this analysis, Woodward identifies 3 sets of common explanations for failure in developed literature: the mismatch between committed resource and the complexity of a specific context and conflict (Sambanis and Doyle, 2000), the lack of donor coordination on effective strategy, program and projects once resources are committed (Jones, 2002), and insufficient to statebuilding alongside relief and reconstruction (Paris, 2004; Woodward, 2002).

²⁷ More recent research on the causes of civil war focuses on micro foundations and results in an important distinction, suggested by Stathis Kalyvas, between the causes of violence in civil wars and the causes of civil war. According to Kalyvas, these are not the same. To explain violence, one must look to personal and local causes, not the causal narratives of macropolitics often adopted and taken by external actors involved in peacemaking (Kalyvas, 2006 *apud* Woodward, 2007).

transformative nature of civil conflict. Therefore, successfully addressing it and promoting peace requires addressing the reality outcomes and changes resulting from conflict (Woodward, 2007). Thirdly and finally, how do the policymakers and practitioners who decide whether and how we intervene address those causes once we learn what they are?

In order to understand if the root causes of conflict truly matter when building peace, Woodward suggests that one must first of all understand to whom these root causes actually matter? In this sense, she argues that there must also be an assessment of the degree of compatibility between the importance taking root causes seriously and the interests and motivations of those who intervene and design the approaches to solve conflict and build peace. This criticism is clearly related to the recognition of the highly political nature of such peacebuilding and peacemaking strategies thus questioning the true concern and usefulness of root causes when defining the most appropriate strategies to respond to civil war (Woodward, 2007).

In sum, such an argument is based on three basic assumptions: if analysis of the causes is wrong it may result in responses that can ultimately cause further harm in the future; secondly, understanding and addressing the root causes may detract attention from the crucial role played by the changes brought by conflict itself; finally, often the identification of root causes corresponds essentially to the broader interests of those leading the intervening strategies, thus resulting in inadequate and counterproductive responses to conflict.

But despite this criticism, the so-called emerging peacebuilding consensus proved to be very ambitious, often resulting in a 'virtual peace' based upon contested attempts

to import liberal democratic models via military intervention and/or political, social, and economic institution building and reconstruction (Richmond, 2007: 150).

However, the increasing existence of internal violent conflicts that did not correspond to ideological divergences confronted the international community with important challenges in terms of its capacity to accurately understand violent conflict and define appropriate conflict prevention and conflict resolution tools. Continuous crises, mainly in Africa and Latin America, helped gain awareness that internal violent conflict was more frequent in countries with low socio-economic development and inclusiveness (Ellingsen, 2000: 238), and also of the way in which political, structural and socio-economic factors all play a role and contribute to render a given country more unstable and conflict-prone.

If a given country suffers from severe political problems such as discriminatory political and socio-economic institutions, exclusionary ideologies, inter-group and elite-based politics that create and fuel inequality and exclusion, violent conflict is usually more likely to occur (Brown, 1997: 9). In this same line, the economic and social factors that can be identified as potential sources of internal conflict are economic problems, discriminatory economic systems and the trials and tribulations of economic development and modernization (Brown, 1997: 10). Therefore, focusing on political and military stabilization and order is clearly not enough to end protracted social conflicts based on ethnic or religious rivalries sustained and aggravated by deep political and economic interests and inequalities (Jeong, 2005: xi).

In this chapter, and again acknowledging the need for deconstructing simplistic views of ethno-religious factors shared by many of the actors involved in violent

conflict, we argue that effectively ending them and achieving sustainable peace implies avoiding acritical models and concepts and, above all, addressing the more complex social and economic inequalities at stake. Underlying this analysis is the belief that in order to address such inequalities effectively, actors involved in conflict prevention and peacebuilding strategies must acknowledge and transversally enforce economic and social rights guarantees. Such an endeavour clearly implies a redefinition of the priorities that are traditionally assumed when it comes to human rights as basic conditions for peace. As it has been repeatedly mentioned in the previous chapter, one of the main criticisms to dominant peacebuilding models and liberal peace ideas is the fact that they acknowledge the importance of human rights, but conceive them in very limited terms. Within the liberal peace discourse, human rights are basically associated with civil and political rights, often ignoring and neglecting their intrinsic economic, social and cultural dimension.

It is a fact that in 1948, the Universal Declaration of Human Rights recognized that all individual human beings have civil, political, economic, social and cultural rights that should be respected and fulfilled in order to live well. All these rights were also framed as indivisible and interdependent. However, the evolution of the system of universal protection of human rights came to show that both domestically and internationally, priority is often given to civil and political rights over basic economic, social and cultural rights. The failure of the international community to elaborate on the content and implementation of economic, social and cultural rights has perpetuated the notion that these rights are less essential to dignified personhood than civil and political rights (Putu-Chekwe and Flood, 2001: 43). However, and as Jack Donnelly refers

Human dignity, the realization of which is the aim of human rights, cannot be reduced to dimensions that can be encompassed by a short or narrow list of “basic” human rights. All human rights are “basic rights” in the fundamental sense that systematic violations of any human right preclude realizing a life full of human dignity – that is, prevent one from enjoying the minimum conditions necessary for a life worthy of a human being. (Donnelly apud Puta-Chekwe and Flood, 2001: 45)

Basic economic and social rights as established in the main human rights treaties thus include the right to work, the right to education, and the right to a standard of living adequate for health and well-being, including food, clothing, housing, medical care and social services (Puta-Chekwe and Flood, 2001: 46) without any kind of discrimination.

However, and although the UN and many other international actors have attempted to develop a more inclusive and comprehensive approach to their work, namely when it comes to human rights considerations, the practical results of its human rights component within the broader work of conflict prevention and peacebuilding are limited and far from satisfying. The institutions and actors involved in conflict prevention and peacebuilding efforts, who are also responsible for contributing to the realization of these rights, often fail in their role or are even counterproductive, causing further harm when they should be providing assistance (Tigerstrom, 2001: 139). To a certain extent this reflects an important gap between theory and practice concerning human rights work and the still existing multiple “flaws” of the current prevention and peacebuilding models, both conceptually and in practice. The perverse tendency to draw a rigid distinction between civil and political rights and economic, social and cultural rights, thus ignores and undermines the need for a global and joint action in the field and the fundamental place and role of all human rights in the whole process.

Furthermore, such activities in the field of human rights tend to be concentrated on norms and procedures, seldom reaching all the relevant areas of policy making, especially when it comes to economic and social rights. The neo-liberal economic policies, which are usually associated with the liberal peace ideology, have been barely contested assumptions underlying external economic reconstruction assistance and management in war-torn societies (Pugh, 2005: 1). As a consequence these dominant models of international assistance in conflict and post-conflict scenarios tend to reproduce and perpetuate the flaws of already weak political and economic structures further obscuring the potential causes for violent conflict existing in certain conflict-prone societies, namely in those where socio-economic inequalities are rooted and structural.

Therefore, as Jeong stresses, a strict consideration of inflation control and other technicalities in these contexts are usually not enough to end or prevent violent conflict from occurring. In order to reduce inequality and potential resulting animosities, distributional aspects of macroeconomic policies have to be considered in the context of social and political needs (Jeong, 2005: 12). Economic growth and patterns of income distribution have also to be considered in an integrative framework in order to build harmonious relations between different social groups. Economic programs must be designed to create stability and equity, since social tension is created not only by perceived but also real imbalances in income and wealth (Jeong, 2005: 17).

This type of reasoning and measures become particularly important if we consider that an estimated one-fifth or one-quarter of the world's population lives in absolute poverty, without adequate food, shelter and health care and where the marginalisation

of economic, social and cultural rights serves to marginalize further the poorest and most vulnerable groups of society. In this perspective, economic and social rights are basic and fundamental human rights that must be implemented and fulfilled in any circumstances but that become particularly important in conflict and post-conflict scenarios. In fact, it has already been argued that the denial of fundamental human rights such as the right to life, housing, food or respect for cultural life, as well as discrimination or systematic and large scale exclusion by the institutions and decision-making mechanisms in societies with internal ethno-religious cleavages are frequently at the origin of many contemporary violent conflicts. Such conflicts simultaneously demonstrate how important the indivisibility and interdependence of all human rights is. In fact, civil and political rights alone are seen as useless if not complemented and reinforced by the fulfilment of economic and social rights, crucial for the survival and well being of all people. Some of the underlying causes of such violent conflicts are what John Burton called 'unmet human needs', which include socio-economic security, belonging, participation and socio-economic well-being. According to Burton's approach, in order to live and attain well-being, humans need certain essentials. This means that, as long as there are sectors of the population living below all standards of human dignity and under extreme poverty and if these people have been discriminated against for an extended period of time, the resentment they carry can fuel the most intense and violent conflicts (Haus, 2003). Given these potential consequences of severe inequalities, all efforts to prevent violent conflict and build peace must include policies to monitor and correct them. Decent housing, jobs, education and health must be the fundamental objective of both government's and external actor's policies and this effort is one in which all sectors of the population,

without exception, must be engaged (Barbara von Tigerstrom 2001:147). More recently, Ho-Won Jeong has also examined and underlined how security, political, social and economic components must not be isolated when it comes to conflict prevention and peacebuilding efforts and should always support each other in rebuilding a society's fabric. He presents a conceptual framework for the design of peace building and the coordination of different functions in the field and concludes that sustainable peace based simply on justice can be an illusive goal in the absence of longer-term perspective of structural change and it may not be sufficient to end a protracted conflict (Jeong, 2005: 18). The acknowledgment and recognition of the existence of various types of underlying factors, of a more material and structural nature (such as political and socio-economic inequalities), which are important to fully understand the emergence or perpetuation of conflicts in these societies, become fundamental elements for the definition of alternative strategies to prevent or resolve conflicts of such complex nature.

Again drawing from John Burton's human needs argument, violent conflict is seen as socio-biological, derived from a suppression of a basic hierarchy of human needs requiring social changes to remove conditions that may lead to conflict (Richmond, 2007: 88). Violence thus occurs when certain individuals or groups do not see any other way to meet their need, or when they need understanding, respect and consideration for their needs. The great promise of human needs theory is that it would provide a relatively objective basis, transcending local political and cultural differences, for understanding the sources of conflict, designing conflict resolution processes, and founding conflict analysis and resolution as an autonomous discipline (Burton, 1990). In this sense, Burton's concept of basic human needs may also offers

a possible method of grounding the field of conflict analysis and resolution. The importance of this ambitious project is now generally recognized by conflict theorists, whether they agree with Burton or not (Kök, 2007). Often ignored and neglected by peace researchers, human needs theory thus looks at the roots of conflict and offers valuable insights into the sources of conflict, and thus possible resolutions.

Such a position has some similarity with Galtung's structuralist argument, which considers violent conflict as a result of more structural forms of violence. According to this perspective, the lack of socio-economic development and equitable structures of distribution of resources can be a powerful source of disruptive violence in a society. The absence or denial of access to basic infrastructure, employment opportunities, access to education or health services can generate frictions in a state and ultimately manifest itself in the form of violent conflicts. Avoiding them thus requires real change in political, economic and social structures in order to tackle the structural oppression that may lead to violent conflict (Richmond, 2007: 88).

In such circumstances, addressing political inequality and maintaining an equitable social contract between the government and the population must go hand in hand with rectifying economic grievances of a more structural nature (Besançon, 2005: 409). Devoting greater resources to reducing distributional inequalities is likely to reduce the conflict-inducing effects, such as the ones underlined in Azar's theory of protracted social conflict (the communal content of a society, deprivation of human needs, governance and the role of State and the international linkages). Greater attention to poverty and inequality can also enhance the prospects for economic

growth in the longer term, as it has been showed in several studies²⁸ (Paris, 2001: 779).

3.2. From wishful thinking to reality: economic and social rights in conflict prevention and peacebuilding

All these approaches and arguments are interesting and helpful in trying to identify the root causes of conflict and also the best and more appropriate tools to render violent conflict an outcome, that far from being inevitable, can at least become preventable if the multiple causes at stake are identified and tackled. Yet, this is not [usually] part of the current conflict prevention and peace building agendas, which tend to consider poverty and inequality only at the level of the individual, not as a group phenomenon (Stewart, 2002a: 3), much less as a potential cause of violent conflict. Reality, however, is usually quite different.

In fact, although some research and findings have tried to include the economic component to explain civil wars (mainly through the inclusion of economic growth indicators, resources available, elite manipulation) (Besançon, 2005:394), socio-economic inequality is rarely seriously considered as a contributor to internal conflict and even less seriously tackled in actual strategies being implemented. However, in situations where major grievances occur between ethnic or religious groups, with long lasting abuse and repression at the political, social and economic level, greater socio-economic inequality may in fact render rebellion easier or, at least, more likely (Besançon, 2005: 396).

²⁸ For further information please see Nancy Birdsall and Frederik Jaspersen (eds.) (2007), *Pathways to Growth: Comparing East Asia and Latin America*, Washington D.C.: Inter-American Development Bank (*apud* Paris, 2001: 779).

Several authors have sustained this hypothesis theoretically and tried to understand if and how economic forces contribute to violent conflict, looking not only at how poverty, unemployment or unequal economic growth fuel social discontent, but also at how violence and instability are used to gain (or maintain) access to scarce resources (USAID, 2005: 16). According to this view, poverty and stagnant or negative economic growth [as well as important available resources] are highly correlated with the emergence of violent civil conflict. But despite this correlation, the relationship between socio-economic inequality and violent conflict, however, is often conceived as more ambiguous (USAID, 2005: 17) and limited. In fact, contemporary studies of civil war, namely those conducted by Collier and other for the World Bank, conclude that the risk of civil conflict is not increased by inequality at the level of individuals (vertical inequality) (Østby, 2003). A recent trend in theories of civil war emphasizes the economic or material benefits that elites stand to gain from civil war, an argument that has been used and defended by both economists and political scientists resorting to the financial motives and constraints that may well be determinants of war (Østby, 2003, Sambanis, 2002). Such theories oppose the relative deprivation theories²⁹ and reject the idea that frustration leads to conflict based on the argument that inequality and discontent are more or less always present in practically all societies. Consequently, proponents of the so-called ‘resource mobilization’ or ‘mobilization opportunity’ believe that the most direct and

²⁹ The relative deprivation approach explains individual and group violence by placing the relative sense of deprivation as the most important factor in creating grievances and mobilizing people for adopting a violent behaviour. At the core of these grievances is the idea of unrealised expectations and violence results from an intolerable gap between what people want and what they actually get (Porto, 2008: 59).

influential explanatory factors are not perceived grievances, but rather financial and political opportunities for mobilizing rebel groups (Østby, 2003: 6; Collier, 2000).

Collier and others have focused directly on post-conflict aid aimed at interrupting what they called the 'conflict trap' also by focusing on their argued 'greed and grievance' approach (Woodward, 2007). Under this approach, Collier specifically stresses the existence and direct influence of [hidden] economic agendas as causes of violent internal conflict. In fact, in the equation 'greed versus grievances', Collier questions the role of grievance as central variable to explain most internal conflicts, considering it much less important than economic factors (Collier, 2000). In this context, the true cause of violent internal conflict is not grievance (either from the general population or specific groups), but rather the silent force of greed of specific groups, namely criminals, opportunistic, linked to the market or armed groups, all sharing their interest in perpetuating conflict and clear opposition to peace processes. Therefore, the argument goes, some societies are more conflict-prone than others because rebellion may offer higher economic benefits than peace. However, and since the narrative of grievances is often more welcomed by the international community involved in these contexts than the argument of greed, the discourse used by those groups economically benefiting from conflict is usually entirely dominated and instrumentalised by the grievance factor (Collier, 2000).³⁰ Furthermore, and according to this argument, if one accepts the idea that grievance causes conflict this would mean that interventions should be aimed at addressing the objective causes of grievance, namely reduce inequality and increase political rights. However, he also

³⁰ Collier specifically points out some factors that may increase the likelihood of civil conflict linked to its greed theory: high economic dependency from the export of primary goods; low levels of education; high proportion of young men; and economic decrease (which may result in violent action by the population).

considers these objectives, no matter how noble or desirable they may be, will ultimately be ineffective in achieving civil peace (Collier, 2000a: 15). As a result of such reasoning, Collier argues that the recognition of this role of hidden economic agendas in internal violent conflicts demands new and alternative approaches to conflict prevention and conflict resolution from the international community. The centrality of the greed factor in the conflict equation requires different intervention mechanisms and policies, focusing on the economic profit dimension resulting from conflict. Collier thus suggests policies and measures to restrict the entry of illegal goods in international markets, fight poverty through development aid, stimulate more competitive internal markets, avoid manipulation and monopoly by certain groups, stimulate rapid democratic transitions and reinforce involve in mediation and negotiation of peace agreements (Collier, 2000).

However, and despite the importance of shedding some light on the economic use and profit resulting from conflict in many societies, this is a potentially limiting approach, since it excludes many other important factors to explain and address violent internal conflict. Alternative arguments thus remain important to underline and reorient analysis. Mary Kaldor, for example, argues that despite the existence of objective economic conditions that may stimulate dynamics to prolong war (which may become a way of social and economic structuring of societies), the economic motivation alone is not enough to explain the scale, brutality and sheer viciousness of new wars (Kaldor, 1999: 106). Nevertheless, and despite divergence among scholars, evidence suggests that socio-economic disparities can in fact create an important incentive for violence, especially between different groups, and especially if a given

ethnic or religious group is systematically excluded from an equitable share of economic opportunity (Ballentine and Sherman, 2003 apud USAID, 2005: 17).

According to Ted Gurr (1970), for example, the discontent arising from the perception of relative deprivation tends to be one of the most basic and crucial factors contributing to one's participation in violence (apud Besançon, 2005: 395).

Gurr's relative deprivation theory identifies a sense of injustice as a source of social unrest, and the frustration-aggression approach sees frustration as a sufficient condition for aggression (Richmond, 2007: 88).³¹ According to Gurr's research, it refers to the discontent people feel when they compare their positions to those of other similarly situated and find out that they have less than they deserve. It is a condition that is measured by comparing one group's situation to the situations of those who are more advantaged. This is seen as a potential cause of social movements, leading in extreme situations to political violence such as rioting, terrorism and civil wars (Gurr, 1970). In this context, relative deprivation occurs when expected need satisfaction increases linearly over time, whereas the actual need satisfaction levels off after some time. The more unequal the distribution of rights the

³¹ The literature on relative deprivation is well organized in Ted Gurr's *Why Men Rebel* (1970). The idea of relative deprivation has been used either to measure fairness, inequality, or social justice, or to explain grievance, social hostility, or aggression. Relative deprivation "is defined as actors' perception of discrepancy between their value expectations and their value capabilities". It is the gap between that "to which people believe they are rightfully entitled" and that which "they think they are capable of getting and keeping" (Gurr, 1970: 24). It is essential to note that deprivation is not based on wants or needs alone, but on the wants and needs that we feel we ought to have or deserve.

In its other research, *Minorities at Risk Project*, Gurr surveys the world to present "an integrated substantive and empirical analysis of communal status and conflict since the end of World War II, with special attention to the decade of the 1980's". From this study, Gurr came up with coded data on 227 communal groups throughout the world and that he used to assess a general model of how and why they mobilize to defend and promote their collective interests. Statistical analysis shows that cultural identity, inequalities, and historical loss of autonomy all contribute substantially to their grievances. Political mobilization, grievances, and the international diffusion and contagion of communal conflict jointly explain the extent of political action in the 1980s. Democracy, state power, and institutional change help determine whether conflict takes the form of protest or rebellion (Gurr, 1993).

larger the frustration (Ellingsen, 2000: 235). As a consequence, the growing gap between the expected and the actual causes frustration and mobilizes people to engage in conflict. This happens basically because groups believe that given their unequal condition there is nothing to lose and everything to gain in resorting to violence (Besançon, 2005: 396). By highlighting the importance of perception, perceived inequality or grievance becomes as relevant as are objective conditions (Chabal et al, 2005: 19).

This debate on the role of inequality in internal violent conflict has also increasingly focused on horizontal inequalities³², i.e. ‘systemic inequalities between culturally formed groups’ (Stewart, 2002a). Frances Stewart’s horizontal inequality theory is focused on inequalities between groups and encompasses not only political participation but also, and above all, economic assets, employment and incomes, and access to social services (Smoljan: 2003: 237). Stewart’s central thesis is that horizontal inequalities matter to people in different groups and may ultimately lead to unhappiness, resentment and a cause of social instability (Stewart, 2002a: 8). Horizontal inequalities are presented as significant and multidimensional, since they have an impact on both individual well-being and social stability (and the two are connected). The esteem of a group impacts on individual well-being and arises from the relative position of the group in various dimensions (Stewart, 2002a: 9), such as political participation, economic (assets, incomes and employment) and social aspects, with each containing a number of elements.

³²Horizontal inequality is considered important because any group seeking to organise itself to pursue a common agenda faces a ‘collective action’ problem, whereby the group may be unable to co-operate due to mutual suspicion (Yanacopolus and Hanlon, 2006: 153).

Horizontal inequality thus captures inequality across groups with common identities, in terms of distribution of income, assets, educational opportunities, political positions, etc and it claims that the significance of horizontal inequality lies in perceived inequality as much as in objective distributional characteristics (Chabal et al, 2005: 22-23). Again here the perceptions are as important and relevant as reality for the outcomes, both with respect to what differences actually are, as well as how much group members mind about the differences (Stewart, 2002a: 12).

In this context, several aspects of horizontal inequality have been considered important sources of violent behaviour: unequal access to assets (land, capital), which are crucial to the livelihoods of people; unequal access to wage employment; unequal access to public social services; and unequal benefit from economic opportunities. In this line, resentment between groups based on these inequalities may be build up over differences in living standards between the groups (Yanacopolus and Hanlon, 2006: 153-154). Stewart has also put forward some economic hypotheses to explain intra-state violent conflict, based on factors related to group motivation or the failure of the social contract (Stewart, 2002: 343). Concerning the group motivation hypothesis, since conflicts usually involve groups fighting each other, group motives, resentments and ambitions can be important motivation for war. These groups can certainly be divided along ethnic, cultural or religious lines, but the group differences only become worth fighting for and important if there are other important differences concerning access to and distribution of political or economic power and rights. In this sense, the lack of inclusiveness can also take the form of a real or perceived rise in horizontal inequality (Yanacopolus and Hanlon, 2006: 158). In this situation, relatively

deprived groups are likely to seek redress, but when this does not come, resort to war is likely to be the option. Resentments inspired by group differences, termed horizontal inequalities, are thus considered an important cause of violent conflict³³ (Stewart, 2002: 343). The failure of social contract, on the other hand, derives from the view that social stability is based on a hypothetical social contract between the people and the government. In this contract, people accept state authority so long as the state delivers services and provides reasonable economic conditions, such as employment and incomes. With economic stagnation or decline and worsening state provided services, the social contract tends to break down. According to the research, these hypotheses are not mutually exclusive, on the contrary. For example, the conflict in Sudan is clearly one of deep horizontal inequalities, with the South being clearly historically deprived and neglected, and powerful private gains that help perpetuate the conflict (especially on the part of the Sudanese government) (Stewart, 2002: 343). As we shall see in the next section, the continuous political and socio-economic exclusion of the Southern Christian and Animist population in Sudan has been an important incentive to violence and conflict. As a consequence, conflict prevention and post-conflict strategies must include an understanding of such inequalities and tackle them accordingly. On the economic side, for example, policies and strategies should include public investment, equal employment policies, land reform, education policies, extending access to public social services, among others. However, such policies are not necessarily substitute of poverty reduction policies. On the political side, measures should include inclusiveness and avoid

³³ Furthermore, analysis demonstrates that horizontal inequalities frequently have their origin in historical circumstances (for example, in the case of Sudan, as shall be demonstrated later), such as colonial policies, which tended to privilege some groups over others. Sometimes, however, such inequalities are not caused by deliberate agency at all but simply become evident within certain circumstances (Stewart, 2002a *apud* Østby, 2003: 20).

monopoly of political power by one group or another, which may be cause further inequalities and violence (Stewart, 2002a: 34).

In this sense, reconstituting the social contract that sustains peace is fundamental in post-conflict situations. This requires broad-based inclusive development and growth in order to address and tackle the horizontal inequalities that led to violent conflict. Sustained economic and social growth is crucial for ensuring the livelihoods of marginalized people after war and for the social contract to be maintained and horizontal inequalities narrowed (Yanacopolus and Hanlon, 2006: 159).

Therefore, studying the role of economic inequality in civil conflict of one kind or another implies assessing and understanding how inequality is institutionalised and shaped by history and changes in social relations (Cramer apud Chabal et al, 2005: 38).

But even if negative economic growth and inequality is related to the emergence of violent conflict, it is important not to fall into the simplistic idea that economic development solely will naturally and immediately put an end to violence. On the contrary, if it contributes to exacerbate pre-existing divisions it will probably make things worse. The liberal project, for example, tends to focus on a development model that does not address fundamental problems; it rather often aggravates and perpetuates them. Therefore, and in order to move from an estimation of risk to a conflict prevention perspective, it is crucial to investigate how and why such variables like poverty and conflict are correlated in the first place (USAID, 2005: 37). The liberal peace project is usually portrayed as a peace with two dimensions: economic liberalization supported by political liberalization and vice-versa. These two combined are thus presented as the tenets of the dominant peacebuilding

paradigms and its positive effects attributed beyond peace to poverty reduction and human security (Salih, 2008: 182). According to Salih, however

[...] despite its noble objectives, this conception of liberal peace (especially in African contexts) has suffered a serious blind spot inherent in the liberalism and the liberalization processes it proposed. In fact, instead helping address the more structural factors of violence – such as poverty and inequality- it has ended up privileging the liberal aspects of peace (democracy and rule of law) and neglecting the social and economic dimension.³⁴ (Salih, 2008: 182)

Our analysis thus suggests that important policy conclusions for conflict-prone countries can be drawn, based on the assumption that economic and social policies and rights are fundamental to systematically reduce horizontal inequalities. For example, policies to tackle poverty will reduce the likelihood of war and serve also as important development objectives. Policies towards increasing investment, employment, education and other basic social services should aim at reducing imbalances and inequalities (Stewart, 2002: 344). This basically suggests that effectively reducing deep horizontal inequalities through sustainable and equal socio-economic policies and measures becomes an essential step to eliminate a major source of violent conflict.

In general, however, success in post-conflict peacebuilding is based on three main conditions and premises: establishing security; restoring good governance, including the rule of law and creating economic opportunity through market-oriented economies. Although these are important aspects of peace building, these strategies usually lack a deliberate program for linking immediate post-conflict needs with

³⁴ According to Salih, the increasing poverty indicators as well as the low Human Development indicators in many African countries illustrate well how the liberal peacebuilding processes in post-conflict states are yet to improve the social (and economic) conditions of the African poor.

medium and long-term development (Forman, 2002: 125), namely at the socio-economic level. Until recently, socio-economic tasks were considered part of long-range development assistance programs that could only begin once peace was at hand. But research also clearly shows that at the end of a conflict, a small window of opportunity exists to restore economic hope and social well-being (Forman, 2002: 126). Such opportunities must, therefore, be used. In this context, measures and policies that actually help guarantee and fulfil economic and social rights in conflict and post-conflict contexts become necessary and urgent. These measures include not only legislative and constitutional reforms, but also the use of non-judicial institutions that may help protect, monitor and implement economic and social rights at the national level (Tigerstrom, 2001: 139). The creation and enforcement of national human rights institutions may be an important contribution to bringing economic and social rights into the political agendas of conflict and post-conflict actors, since the purpose of these institutions is to promote fairness, human dignity and protect individuals from abuses of power or lack of action from the State and its agents, also in the case of economic and social rights. Other strategies should include group-specific measures aimed at promoting equality, wealth distribution and active social and economic participation (Sambanis, 2001: 281). Ensuring that citizens in war-torn societies can resume a normal existence requires more than just the care and feeding of refugees and internally displaced. It means providing food security, public health, shelter, educational systems, and a social safety net for all citizens. An economic strategy for assistance must therefore be designed to ensure the reconstruction of physical infrastructure, to generate employment, to open markets, and also create legal reforms that ensure economic and social rights for all groups

(Forman, 2002: 126). However, the implementation of economic and social rights has been historically a problematic area in the international human rights law theory and practice and it becomes especially so when it comes to conflict and post-conflict scenarios. Among other problems, the neglect of these rights has meant that the means to prevent and remedy violations of rights remain underdeveloped (Tigerstrom, 2001: 139), or simply not implemented and cared for, often contributing to violence and war.

Interventions to prevent or resolve violent conflicts cannot therefore be based on action and policies focusing on a single dimension of conflict, such as ethnic tension or political exclusion, nor can they focus on a single level. It is fundamental that problems are addressed in relation to all levels of analysis and to the solutions that can be strengthened and built at each (USAID, 2005: 31). A major problem may be that the government of a conflict-prone country may resist such actions, since it is a beneficiary of those same imbalances. Again, as we shall see in the next section, Sudan is a clear case of this situation.

In these cases, and although actual change must also come from domestic actors, external actors have a responsibility to address the need to reduce horizontal inequalities. Inclusive and sustainable socio-economic development promotes a positive social environment by providing families and neighbourhoods with opportunities to work together instead of fighting each other. New economic and social boundaries must be built in order to provide the basis for reconstruction and peace to the various groups within the community (Jeong, 2005: 126). Of course this has to be achieved through gradual, integrated and sustainable steps and measures, which are especially important in order to give visibility to and help

overcome poverty, gender inequalities, educational decline, and unemployment. For example, income can be boosted by the creation of basic infrastructures, roads, housing, water and sanitation (Jeong, 2005: 28) thus creating conditions for more equal access to basic services and human needs. This will ultimately help provide the essential conditions for the fulfilment of the population's economic and social rights and enhance peacetime opportunities.

3.3. Chapter conclusions

As it has been previously suggested, since many groups of people who fight together perceive themselves as belonging to a common ethnic or religious culture, there is a tendency to attribute wars to 'primordial' ethnic passions. However, by labelling conflicts as religious or ethnic they become intractable and attention is usually diverted from important underlying political, social and economic factors (Stewart, 2002: 342).

It is more than clear now that conflicts are extremely complex and do not simply occur because there are ethno-religious differences among the population or because people are unhappy or greedy. Conflicts occur mainly when a varied range of causes found at multiple levels come together and reinforce each other (USAID, 2005: 37). In his analysis of ethnicity and its management in Africa, Osaghae argues that "wars do not break out merely because there are different ethnic groups" (Osaghae, 1994:7-8).

Sharing this view – and although aware of the importance of existing ethnic or religious cleavages within a given society- the cross-cutting hypothesis put forward here is that accurate and rigorous analysis and understandings of violent conflicts in

societies with marked ethno-religious cleavages must make visible and take into due account the role and influence of socio-economic inequalities and the degree of denial of economic, social and cultural rights of specific groups. As mentioned by Klaus Schlichte, the deeper causes of contemporary wars may be existing socio-economic disparities which are associated with discriminatory behaviours: “so-called ethnic conflicts sometimes result from the marginalisation of one group by another, with political and economic, as well as cultural marginalisation taking place” (Schlichte apud Ferreira, 2005b: 69). A deeper understanding of these conflicts, considers economic discrimination, income inequality and scarce or unequal access to resources factors that ultimately make people more receptive to ethnic and nationalistic appeals (Ellingsen, 2000: 245) that may result in violent behaviour against the government or the ruling elites.

In the past few decades, there has been an increased interest in understanding these so-called root causes in order to better tackle them. But this has been a particularly difficult and complex task since major root causes include political, economic and social inequalities, extreme poverty, economic stagnation, poor governance, high unemployment, and economic incentives to fight (Stewart, 2002: 342). Moreover, income inequalities not only jeopardize peace but also undermine any potential for long-term growth (Jeong, 2005: 131).

Furthermore, violent conflicts, especially internal ones, have always been an important source of poverty and underdevelopment in the so-called low-income countries under stress. In 2002, eight of ten of the world’s poorest countries were suffering or had suffered from large-scale violent conflict. In these cases, violent conflicts have heavy human, economic and social costs and tend to be a major cause

of underdevelopment and poverty (Stewart, 2002: 342). It is easy to understand and perceive that, in such contexts, without economic hope and equity peace can hardly hold. Although poverty is not considered to be a direct cause of conflict, it is a symptom of the decline of the state's capacity to protect and provide for its citizens, and it also becomes an important aggravating factor.

Although reconstruction in war-prone societies needs to be aimed at the alleviation of absolute poverty and economic diversification [between and among groups], evidence suggests that these objectives are not usually easily achieved or even acknowledged. This can be explained by the lack of civil sector investment in agriculture, transport, water, sanitation, education and health in most post-war strategies (Jeong, 2005: 132). Furthermore, in most peacebuilding [and conflict prevention] packages, attention is focused on reforms oriented toward a market economy where the establishment of liberal economic policies is frequently a condition attached to international forms of assistance (Moore apud Jeong, 2005: 124), but usually not the most effective or necessary ones.

Alternative interpretations to internal conflict must, therefore, include specific and more structural economic factors that predispose to conflict. In this sense, to reduce the likelihood of conflict, it is essential to promote inclusive development, reduce inequalities between groups and tackle unemployment (Stewart, 2002: 342). This means that essential measures should include a more clear conception of economic and social rights in post-conflict policy settings, namely within peace agreements. In order to meet the most pressing and urgent socio-economic needs of the population, priority must be given to providing basic social services and economic opportunities. In this sense, peace strategies would be most successful if they organize the priorities

of reconstruction in a sustainable way. Development [and socio-economic sustainable incentives] must thus aim at improving the conditions for peace by rendering inequalities visible and consequently meeting the needs of economically and socially marginalized groups. This will ultimately benefit the whole community (Jeong, 2005: 124). Group-specific measures of inequality, political participation and wealth distribution as well as territorial concentration of groups are all variables that must be considered and analysed (Sambanis, 2001: 281) in order to obtain more accurate explanations for violent conflict. [Sustainable] economic growth and patterns of equal income distribution have also to be considered in an integrated framework of building harmonious relations among different groups (Jeong, 2005: 153). Investment in human resources, providing socio-economic services and economically integrating groups and communities also definitely contribute to addressing and removing the social and economic causes of violent conflict (Jeong, 2000: 125) and must therefore be integral part of conflict prevention and peacebuilding efforts.

These are all fundamental priorities to render visible all those structural inequalities that may compromise peace efforts, especially those that are, at their basis and in principle, highly incomplete and fragile.

***“The cycle of violence can only be broken when peace is no longer a
prisoner of past paradigms”***
(Iyob and Khadiagala, 2006)

4. HISTORICAL TRAJECTORIES OF THE NORTH-SOUTH CONFLICT IN SUDAN

4.1. Introduction

More than a history of violent internal conflict, Sudan is marked by a history of profound exclusion, of which violent conflict has become one tragic illustration. In fact, throughout Sudanese history, several groups have been repeatedly and systematically excluded from the social, economic, cultural and political life of the country, a trend that has been perpetuated, reshaped and accentuated since the colonial periods in the nineteenth and twentieth centuries and continued after independence in 1956. In fact, and as we shall analyse further on, throughout the several stages of Sudan's colonization and independence, various forms and levels of exclusion and marginalisation of certain groups have been put in place, aiming at establishing a different pattern of development and growth between the North and the South of the country.

This shows, therefore, that there are important economic and political patterns of inequality which have historically affected the development and exercise of state power in Sudan since at least the nineteenth century. That helps understand the process and consequences of regional underdevelopment, and the conjunction between perceptions of religion and ethnicity specific to this part of Africa, as well as its real conflict potential. Sudan is a clearly heterogeneous territory, both ethnically – 52 percent Blacks, 39 percent Arabs, 6 percent Beja, foreigners 2 percent, others 1 percent- and religiously- 70 percent Sunit Muslims, 25 percent Animist, 5 percent Christians (Sosa, 2004: 125). These ethnic and religious divisions are well reflected geographically: Muslim Arabs predominantly in the North, and African Christians

and other traditional religious in the South. Given this diversity, the conflict between the Northern and Southern Sudan has usually been misunderstood, because the historical roots of the conflict have been misrepresented (Johnson, 2003: 1) due to superficial and primordial interpretations and explanations based on the primary role of ethnicity and religion. As a consequence, academic studies of Sudan have been nearly as deeply affected by the divisions of the country as are Sudanese themselves. 'Ethnicity' is taken for granted in history as in political science, often drawing from a simplified understanding of ethnography (Johnson, 2003: xii). However, Sudan's history and conflict are far more complex and diverse than it seems. This diversity makes it difficult to explain the current North-South conflict in simple cultural, ethnic or racial terms. What had been seen in the 1980s as a war between the North and the South, Muslims against Christians, 'Arabs' against 'Africans', has, after nearly two decades of hostilities, broken the bounds of any North-South conflict. Fighting has spread into theatres outside Southern Sudan and beyond the Sudan's borders. Not only are Muslims fighting Muslims, but Africans are fighting Africans. A war once described as being fought over scarce resources is now being waged for the total control of abundant oil reserves. In fact, the war has widened fractures throughout Sudanese society, way beyond the old divisions between North and South, Arab and African, Muslim and Christian or non-Muslim (Johnson, 2003), accentuating and deepening socio-economic inequalities.

In this sense, in order to understand peace and conflict in Sudan, one must first understand Sudan's history and the role of successive governments in producing regional underdevelopment and racial and cultural antagonism. In fact, the development and evolution of governments is considered to have been one of the

most consistent influences on the definition of economic, political and ultimately social relations within the Sudan (Johnson, 2003: 2).

The so-called 'scramble for Africa', of which the earliest materializations were Egypt's Southern expeditions to control the resources of the Nile and its hinterlands, further aggravated the geography of conflict in which Sudan merged into shortly after independence (Iyob and Khadiagala, 2006: 58-59). Furthermore, the internal boundaries of Sudan have been frequently changed, but with little or no consensus from the country's inhabitants, who have been plagued by famine, drought and death as they sought the right to live with dignity and with equal access to resources and wealth. This is particularly true for the South where the struggle for self-determination has taken place for all those who had been forced by Arabization and Islamization (Iyob and Khadiagala, 2006: 61).

4.2. The complex roots of Sudan's civil conflict

Although it was only in the nineteenth century that the territory of Southern Sudan was opened up to the exploitation of a government centred in Khartoum (Johnson: 2003: 2), the history of the complex and existing antagonisms between Black African and Arab communities in the territory of today's Sudan goes back to slavery times.

In fact, in Sudan, the legacies of slavery, slave trade and colonialism are particularly important to understand both internal violent conflict and the interplay between the processes of state formation and nation-building characterized by a crisis of democratic citizenship (Idris, 2005: 4) that are particularly characteristic of Sudan.

The South was historically used by Arab slave owners as a source of cheap labour for international trade for centuries until the English and Egyptian powers decided to end

slavery in the nineteenth century. In a sense, the South has been marginalized for several decades, if not centuries. Earlier states in the territory, such as the Sennar, established along the Blue Nile in the sixteenth century, or the Darfur sultanate created in Western Sudan in the seventeenth century, have all defined the type of power relations established throughout the territory based on manpower, slaves, wealth and food coming from each state's hinterlands and controlled regions (Johnson, 2003:2).

The increasing commercial and political contacts and relations between the Sennar and Darfur states and external Muslim states clearly contributed to a progressive introduction and entrenchment of Islam in Sudan, which culminated in the adoption of Arabic legal texts and principles, as well as literacy in Arabic. The acceptance of Islam by the Sudanic kingdoms helped to sharpen the divide between the states and their hinterlands; between those who could claim the protection in law, and those who had no recognised legal rights. Despite that, many Muslims in Sudan continued to follow forms of customary law at variance with the shari'a, and relations between Muslims and non-Muslims were not characterised by a 'jihadic' fervour (Johnson, 2003: 3) But even if Islam became the religion of these states, none developed their own body of experts (or ulama) thus making it a very specific and particular interpretation of Islam.

In terms of benefits and social status, this period was characterised by a social stratification that was based mainly on people's territorial origins, meaning that those being born and living closest to the Muslim centres tended to have more benefits while those living or coming from the 'pagan' peripheries, from which most soldiers were also drawn, were usually excluded or disregarded. However, being Muslim was

not a necessary guarantee of rights, freedoms or benefits neither was soldier's frequent conversion to Islam. The same applied when it came to slavery. Although the groups mostly targeted for slavery were non-Arab and non-Muslims, being a Muslim in these societies was no guarantee for not being enslaved. In Sudan, although slaves were usually obtained through raid on the non-Muslim and non-Arab populations in Southern Sudan and Nuba Mountains, captives often included many Muslims from Western Africa and the Western Sudan (Idris, 2005: 28).

In 1821, Mohammed Ali Pasha invaded Sudan in 1821 in search of slaves, ivory and gold to finance Egypt's modernization project and establishing the beginning of the Turko-Egyptian conquest, which laid the foundations of a centralized state in Northern Sudan while embarking on a strategy of enslavement of Southern people (Idris, 2005: 27-28). In fact, brutal forms of slave raiding, corruption and economic exploitation characterized the Turko-Egyptian ruling period in Sudan³⁵. Although the invasion did not fulfil all the needs, the Turkiyya- the Turco-Egyptian regime in Sudan- did alter significantly the political and economic balance in the country (Johnson, 2003: 4), by establishing a pattern of economic exploitation of the Southern regions – not only through slave-raiding but also exploitation and use of the region's resources, which became formally and officially excluded from the developed communities and political power (El- Battahani, 2006: 10-11). The Southern Sudan had thus been largely excluded or unaffected by the succession of

³⁵ During the Turko-Egyptian rule, not only did the number of slaves increase but domestic slavery too became more common in the North. From 1821 to 1831, the Turko-Egyptian government began a new stage of state-organized slave raids, which first targeted people in Ethiopia and the Nuba Mountains. The collapse of the ivory market and the difficulties in establishing a stable trading system encouraged many merchants from the north to turn to slave trade as the only viable economic activity (Idris, 2005: 29).

Sudanic states in the North until the Turko-Egyptian regime's conquest of the Sudan managed to break this trend and upset the existing territorial balance.

The strategy adopted by this regime was clearly one of territorial conquest and slave raiding which successfully started in the Northern regions of Nubia, Sennar, Kordofan and the Red Sea and continued, for the first time in Sudan's history, into the Upper Nile basin. Along with this expansion to the South came an increasing impoverishment of some Northern regions as well as the beginning of a North-South divide in Sudan.³⁶ As Douglas Johnson puts it, the increasing exploitation of new lands in the South progressively gave certain sections of the Muslim and Arabic-speaking population of the North a personal stake in its subjugation. A religious divide was then imposed on the country (Johnson, 2003: 5). The Turkiyya was later replaced by a new pro-slavery and pro-slave trade state in 1885 until 1898, led by military and religious leader 'Madhi' (or 'the expected saviour') Muhammad Ahmad, establishing the Mahdiyya³⁷ state. In 1885, Sudan was proclaimed an Islamic independent state, by Mahdi's successor Khalifa Abdallahi, who was ultimately defeated by British forces in 1898. The Mahdist movement had important popular support and defeated the Turko-Egyptian rule forcing the majority of Turkish, European and other foreign merchants and slave traders to leave the country, who were replaced by the Northern merchants – the *jallaba* (Idris, 2005: 31). The Mahdist state, unlike its predecessors, who had ruled mainly through feudal relations and the recognition of the rights of hereditary rulers, established allegiance through religion

³⁶ Due to the idea of having the South as the state's main exploitable region, the political and economic system during the Turkiyya was characterised by deep racial stratification and widespread identification of Southerners with low status (Johnson, 2003: 6).

³⁷ The Mahdiyya rule constituted a syncretic, millenarian movement that fuse proto-nationalist aspirations with the resentments of the northern merchant classes (*jellaba*) against the Turkiyya and the equally strong resentment of the Southern peoples against those same *jellaba* and the Egyptian rule (Iyob and Khadijala, 2006: 28).

and the personal oath of loyalty to the religious leader of the state as Imam, the Mahdi and later the Khalifa, and clearly divided the whole territory between the followers of the Mahdi and the ‘unbelievers’ (whether Muslims or non-Muslims) (Johnson, 2003: 7). However, even if the Mahdiyya aimed at keeping the South under control and ultimately convert it to Islam and by the development of a kind of internal colonialism, the truth is that the South soon came out of the state’s control, including for slave-raiding purposes.³⁸ The slave trade during the Mahdist state led to a clash of racialized identities out of which came a violent political regime in which the Southerners were subjected to discrimination and exploitation (Idris, 2005: 32). Those who did not belong to an imagined community of Arab-Islamic were not dignified and considered enslaveable (Idris, 2005: 32).

From this perspective and through such strategy, identities such as race and ethnicity were made no longer culturally flexible, but rather political and rigid (Idris, 2005: 21). Such change was- and has been - the expression of a system of socio-economic relations that favoured, and still does, specific interests of particular local governing elites in Northern Sudan, as well as other regional and colonial powers with a particular interest in stimulating slavery and maintaining a certain degree of inequality between Northern and Southern populations.

In relation to this, Douglas Johnson argues that

The origins of Sudan’s current problem predate the unequal legacy of the colonial state system in the twentieth century. They can be found in the ideas of legitimate power and governance developed in the Sudanic states of the eighteenth and nineteenth centuries, which were incorporated into the structures of the Turco-Egyptian empire, achieved new force in the Jihad state of the Mahdiyya and were never

³⁸ The incursions into the South tended to be mainly for food during the great famine of 1888-92)

fully replaced but rather occasionally adapted by the ... colonial state. (Johnson, 2003 apud Idris, 2005: 21)

As a consequence, the Arab and African identities resulting from enslavement during the pre-colonial period were thus highly radicalised and given a new legal dimension by the colonial powers, with their institutionalisation through practices such as indirect rule (Idris, 2005: 20). In 1898, Britain and Egypt regained control of Sudan, following the Mahdist revolution of the early 1880s, and struggled hard to establish centralized authority in the country.

The replacement of the Mahdist rule by the Anglo-Egyptian forces in 1898 did not change the social and economic reality significantly. In fact, rather than abolishing and/or replacing the slavery system in Sudan, the strategy was one of aiming at ending slavery without significantly challenging the power of the Northern elites and merchants (Idris, 2005: 33) and often tolerating it through practices and policies that ultimately reinforced forms of slavery (despite the British moral condemnation discourse). In political and administrative terms, the Anglo-Egyptian Reconquest of Sudan- or Condominium, as it is also known- assumed different patterns in the North and in the South of the country³⁹. In the North, the transition took the form of civil administration through the replacement of military governors by British civilian elements, in order to get rid of the successors of the Mahdiyya. But the control over the Southern Sudan was a more complicated matter. The process of transition in the South was different since the Mahdist state had had virtually no control over the whole of the region and there was no need to convince people to renew their loyalty

³⁹ Darfur was put under Anglo-Egyptian power in 1916 and Southern Sudan pacified only in 1920³⁹, later establishing a form of indirect rule known as Native Administration (El- Battahani, 2006: 11).

to the government.⁴⁰ The problems and difficulties faced by Anglo-Egyptian administration in the South made it significantly more difficult to develop and consolidate a more coherent and effective government in the region, namely until the 1920s.

In order to face the ruling problems in the South, the colonial administration implemented a system of native administration in Sudan, meaning the separation of one ethnic group from another in order to avoid conflict. However, the strong resistance of the Southern Sudanese forced the British to change the policy of centralized administration in the country. Indirect rule was thus introduced in Sudan in 1921 and later reinforced through the declaration of Close Districts in order to preserve the African identity in the South through letting out all Arabic and Muslim influences. The 'Southern Policy' statement in 1930 declared that the administration of the South would be developed along 'African', rather than 'Arab' lines, and that the future of the Southern Sudan might ultimately lie with the countries of British East Africa, rather than with the Middle East (Johnson, 2003:12), which was already administrative practice, by emphasising local administration conducted through indigenous authorities, law and customs, consistent with British conceptions of good government.⁴¹ There were, therefore, clearly divergent political and economic administration practices in the North and in the South, which gave the basis to a certain idea of self-government in the South. Besides attempting to tackle and minimize the ruling problems, this type of strategy chosen by the British towards the South was also an excuse for not adopting a more involved and development-centred

⁴⁰ The British officers commanding patrols of Sudanese soldiers in the South frequently declared that the 'new' government was not the same as the 'old' government which had burned Southern villages, stolen Southern cattle and enslaved Southern people (Johnson, 2003:10).

⁴¹ A practice which was similar to what was then Indirect Rule in other African British territories, but was called 'Devolution' or 'Native Administration' in Sudan.

administration, somehow fomenting a sense of neglect among the Southern populations. For example, educational needs in the South were systematically neglected and, before World War I, the general policy of the native administration tended to discourage, rather than encourage, education in some areas of the Southern Sudan (Johnson, 2003: 15). Furthermore, at the time of Anglo-Egyptian colonization Southern Sudan was not yet considered a strategic area, since it had no significant resources available for exploitation and Egypt was particularly interested in developing and controlling the Northern areas as a way to achieve and guarantee territorial expansion.

In sum, the policy of indirect rule contributed highly to the fragmentation of the Sudanese society along ethnic, regional and tribal lines, preventing the possibility of forging a sense of national identity in the post-colonial period (Idris, 2005:39;41).

As to what concerns religious patterns and relations, Northern Sudan's law and religion were separated with the possibility to adopt different forms of customary law and the Shari'a adopted mainly to regulate marriages, inheritances and property rights within Muslim communities. Nevertheless, the religious policy in the North encouraged the tendency towards a greater uniformity of practice among Muslims, while in the South the Native Administration encouraged indigenous religious diversity, even though not totally suppressing Islam (Johnson, 2003: 13).

In terms of development, the progressive commercial opening of Southern Sudan was very important for Sudan's revival, but the trend was one in which the central government participated in the exploitation of the South. By the time Sudan was set on its path to independence, there were far greater development disparities between the Northern and Southern parts of the country as a whole than there had been at the

end of the Mahdiyya. However, it must be stressed that in many Northern regions, both Muslims and non-Muslims were excluded and subject to economic neglect. As in the North, there were some places in the South that were more productive and prosperous than others, thus establishing different patterns of agricultural investment and creating links that decreased the South's potential and increased its disparities and underdevelopment (Johnson, 2003: 19). The tension between Egypt and the UK for the control of the country increased significantly after the end of World War II, when Sudan joined the independence wave that affected the North of Africa in the 50's (Sosa, 2004: 123). The decision in 1947 that the South would remain a part of Sudan contradicted the dominant assumption that it would continue to be under British protection or possibly separate administration as an East African colony. However, education in the South had been neglected, Northerners dominated the emerging political class and few Southerners were actually able to fill administrative posts under the 'Sudanization' strategies of the early 1950s (El-Battahani, 2006: 11). Furthermore, civil service and administration were almost exclusively put under Northern hands thus largely excluding the Southern population from government. In the 1950s, and fearing marginalisation by more populous North and the denial of a federal state in the South, a very powerful nationalist movement- named Anyanya - starts developing,. In August 18, 1955, the Equatoria Corps, a military unit composed of Southerners, mutinied at Torit – Equatoria province- , forming a guerrilla movement and progressively demanding independence. The mutinies were suppressed although survivors fled the towns and began an uncoordinated insurgency in rural areas, seeking support of the rest of the population. These groups were poorly armed and ill-organized and, at least at the beginning of their activities, posed

little threat to the outgoing colonial powers or the newly formed Sudanese government. However, they progressively assumed a more active role in the struggle against power, repeatedly accusing Khartoum of focusing solely in the interests of the North. Their aim was to fight against the hierarchical forms of administration and rule by colonial powers that had been practiced throughout the years and that led to significant neglect of the South and to unequal access to, and distribution of, resources to the Southern populations. and of marginalizing the rest of the population. In 1956, Britain granted independence to Sudan, handing over political power, control of the army and civil service and management of economic resources to Khartoum and Nile-based Northern elites (El- Battahani, 2006: 11). In this context, the South also claimed independence but it was refused, a situation that was at the basis of a rebellion against the government and the beginning of a particularly brutal and long war. Given the past of slavery and colonialism, during the transition Southern nationalists argued that the unity with the North, if considered, could only be accepted under a federal system (Idris, 2005: 50).

Ever since independence in 1956, granted by Sudan's colonial powers, Egypt and Britain, various elite-based and fundamentalist governments have ruled the country. The pressure exerted by these governments in the North over the population of the South through the establishment and perpetuation of excluding political, social and economic policies and laws has long been considered to be one of the original causes of the conflict. The competition for resources was also considered another important source of conflict. In fact, the intensive use of Northern lands, with the aim of converting Sudan in Africa's "great breadbasket" has provoked their overuse and the quest for new lands in the South (Sosa, 2004: 125). As we shall see at a later stage,

such strategy was further aggravated with the discovery of important oil reserves and which led to the implementation of exploitation policies that were clearly based on an unequal access and distribution of resources and revenues to the Southern population, ultimately leading to significantly different patterns of growth and development between Northern and Southern groups.

Following independence, General Ibrahim Abboud seized power in 1958 instituting an aggressive policy of Arabization and Islamization of the whole country, including the South. Abboud's military regime perceived political independence as a tool for maintaining Sudan's territorial 'integrity' and removing an artificial barrier to the march of Islam and Arab civilization in the South (Idris, 2005: 51). Besides the question of identity and political inequality, and somehow following the pattern of previous colonial administrations, Abboud's regime was also one of intense and continuous socio-economic neglect of the Southern areas of the country. Islam and the Arabic culture were imposed to the Southern populations, but what created more opposition and discontent was the exclusion from economic and social life of the country to which various populations were subjected. The South was not targeted by public economic and social policies and the levels of poverty grew significantly in the first years of independence.

In order to show and secure power and control, this military regime marked a new era of violence and discrimination directed towards the South, thus galvanizing the Southern leadership to act into various military and political movements, at the same time fighting against socio-economic exclusion and claiming increased autonomy. In 1961, William Deng, a Dinka exiled in Congo, founded the Sudan African National Union (SANU), a political movement defending self-determination and, at the same

time, an organized guerrilla force named Anyanya II⁴², which launched the rebellion against the central government. Between 1960 and 1963, the Anyanya rebels grew numerically by recruiting and training new members. They also attacked strategic military targets and influenced political activities throughout the country and the government responded by increasing its military presence in the South (Iyob and Khadiagala, 2006: 81). In the latter half of the 1960s, as governmental instability persisted in the capital Khartoum and the South held firm to its demands, the Anyanya guerrillas stepped up their attacks to government positions, increasing instability as well as the number of refugees into neighbouring countries (Iyob and Khadiagala, 2006: 81).

From the mid-1960s, the Sudanese conflict attracted regional and international actors who began to have stakes in its evolution and resolution. The roles of these external actors inevitably deepened with the escalation of conflict and the identification of a clear leadership in the South helped giving more amplitude and capacity for external involvement and influence in the course of the conflict (Iyob and Khadiagala, 2006: 91).

In this context, sectarianism and political instability in the North somehow prevented the emergence of a consensus about resolving the many identity issues raised by the South. Paradoxically, however, Northern disunity also gave the Northern establishment (traditional parties and the military elites) reasons to delay on meeting the grievances of the Southern population. The key to this paradox was that Northerners were fundamentally in agreement about the two core issues in the South: Islamisation and unitarism (Iyob and Khadiagala, 2006: 83). In 1964, though,

⁴² The Anyanya II was the military wing of the Sudan African National Union (SANU), founded in 1961 by William Deng.

Abboud was forced out by popular uprising. A number of Arab-dominated governments succeeded each other until the coup in 1969 that led Gaafar Nimeiri to power and under who's regime the Native Administration system was abolished and by councils dominated by merchant capitalist Northern elites.

Despite the many factions present, the Nimeiri government's first approach to the Southern problem was a promise of a political solution that would consider Southern uniqueness. This approach also entailed outline plans for future regional self-government and amnesty for the rebels. The opposition and attempted coup led by the communist party against Nimeiri's government, gave him the opportunity to purge them from government and seek other allies to maintain power. At the time, Nimeiri found Southern partners willing to negotiate, as well as Ethiopia and Uganda, in a process that led to the Addis Ababa Agreement in March 1972. The Addis Ababa peace agreement was signed with the rebels, allowing for its integration into national army and autonomy for the South. The Addis Ababa peace agreement guaranteed a significant autonomy to the South⁴³ and an agreement on the draft of a Sudanese Constitution in 1973 (Sosa, 2004: 125).

The conflict experienced a pause from 1972 until 1983 with the Addis Ababa agreements, but it soon erupted again since the demands for political participation and economic development by the South were continuously ignored by Khartoum's governing elite – since no action was seriously taken in order to implement the provisions of the agreement, namely when it comes to an equal distribution of resources between North and South- and due to systematic violation of the agreement by the government, combined with increasing Islamic shift in late 1970s and

⁴³ Further and more complete analysis of the content and terms of autonomy provisions under the Addis Ababa Agreement will be presented in the next chapter.

discovery of oil in Southern Sudan eventually led to resumption of war after a period of 11 years of a very unstable peace. Furthermore, the internal proximity between Nimeiri's government and the more sectarian parties (Ummah Party and later National Islamic Front) – which coincided with Sudan's deepening links with the United States, playing as a counterweight to Soviet's encroachment in the Horn of Africa⁴⁴(Iyob and Khadiagala, 2006: 87)- contributed to the emergence of a different approach towards the South. In 1993, and following this closed relation with the sectarian powers, Nimeiri decreed the creation of three new Southern regions with separate governments – Equatoria, Upper Nile and Bahr al-Ghazal - the annulment of the autonomous status for the South and the dissolution of Southern constitutional guarantees; it also declared Arabic the official language and the Islamic Shari'a law as the sole source for Sudanese law in September 1983, thus abrogating the Addis Ababa agreement. Southerners considered this move as a draconian measure by the central government to reinforce control over a weak autonomous government and responded in clear opposition to the decision. The political translation of this opposition was clearly the creation of the Sudan People's Liberation Movement/Army (SPLM/A), led by the charismatic leader John Garang (Iyob and Khadiagala, 2006: 88). After that, the SPLM/A announced its intention to fight for a 'New Sudan' of social, economic and political equality and where all Sudanese would be able to enjoy access to services and freely develop their cultures⁴⁵ (Iyob and Khadiagala, 2006: 89). Southern grievances crystallised around the SPLM/A and Nimeiri ended up being overthrown by popular uprising in 1985 opening the way to

⁴⁴ Washington repaid Khartoum with economic and military support, increasing its confidence domestically and internationally

⁴⁵ It also denounced the shared common grievances with the West and the East, which had been obscured by the various Northern governments through the attempted construction of a false Sudanese identity based on an Arabic language and culture and Islam (Iyob and Khadiagala, 2006: 89).

the establishment of democratic government, led by Umma Party's Sadiq al-Madhi in 1986.

Moves towards a peace agreement between the SPLM/A and the newly voted government were made impossible when the National Islamic Front (NIF), one day before the bill to freeze the Shari'a law was to be passed, led a bloodless coup in June 1989 and General Omar Hasán Ahmed al-Beshir, who fought the Southern rebels, took power, proclaiming a fundamentalist Islamic regime – the National Islamic Force.

This succession of coups and change in power clearly reveals the lack of solid, accountable and sustainable power structures in Sudan, as well as the tendency for concentration of political and economic power in specific political and/or military elites who, at times, attempted to control the country and use the resources for their own profit. To a certain extent, the maintenance of an insecure and unstable Sudan benefited these groups while at the same time undermined the development capacities of the whole country, due to the socio-economic neglect of the Southern population and of all other peoples who were living in areas that were of particular strategic interest for the governing elites and could become a threat to their power and control.

Illustrating and confirming these strong repressive trends, Al-Beshir's authoritarian regime thus unravelled steps towards peace, revoked the constitution, banned opposition parties, and moved to islamize the justice system. The NIF simultaneously stepped up North-South war, proclaiming a jihad against the non-Muslim South.⁴⁶

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The imposition of such measure to the whole population, ignoring and suppressing their religious beliefs meant the reinforcement of the war led by John Garang's Sudan Popular Liberation Movement/Army (SPLM/A) against the central government.

Al-Beshir's move to power and maintenance during the 90s has been closely linked to the support by the Muslim religious leader Hasán al Turabi, Beshir's ideological and spiritual mentor and member of the Islamic National Front which was converted into the most important political force of the country.

With the re-emergence of the civil war Sudan, the economic situation of the country worsened significantly, as the country's foreign debt to the international institutions converted itself in a heavy burden to the country's fragile economy, affected by long periods of droughts, especially in 86 and 88, followed by floods that devastated the farming fields and caused serious famines (Sosa, 2004: 126). The war continued throughout the 1990s, despite several attempts to negotiate peace with the participation of the Organisation for African Union (OAU). The rebel forces of the South resisted the army as Sudan's foreign policy, characterised by religious radicalism, provoked an increasing international isolation which favoured the rebels, gaining external support of neighbouring countries like Uganda, Ethiopia and even Egypt. Completely rearmed, Sudan's Popular Liberation Army initiated an important attack against the government in the mid-90s and, for the first time since the 1980s, regained several areas that passed to its military and political control. At the same time, in 1991, two Southern opponents of Garang's SPLM/A – Lam Akol⁴⁷ and Riek Machar- contested the Movement's lack of democracy and frequent human rights

⁴⁷ Later nominated minister of Foreign Affairs of the government of national unity, place he occupied from September 2005 until October 2007.

violations and tried to mobilized disaffected factions to depose Garang from leadership. They created the SPLM/A- Nasir and pledged to fight for Southern independence. This resulted into intense and violent armed confrontation between both parties between September and October 1991 with the aggravating factor of weapons and ammunitions being provided by the Sudanese government to the SPLM/A-Nasir. This ultimately strengthened both the internal fissures in the South and the government's military power and control over Southern territory (Iyob and Khadiagala, 2006: 94). The factionalism of Southern guerrillas and their engagement in committing atrocities against other Southern civilians clearly shows that unity was not deep or linear. Nor did slavery or its legacy alone lead to ethnic hatred and rivalries. As Iyob and Khadiagala again mention

Distant memories of injustice and disenfranchisement were woven into nationalist or protonationalist ideologies and justified the use of violence over groups regarded as opponents. Both intra-Southern and intra-Northern violence has been fuelled by a political past, fragmented along ethnic lines or ideological rifts that have been adroitly utilized by the ruling elites of Sudan [at least] since independence. (Iyob and Khadiagala, 2006: 65)

In June 1995, the SPLM/A and Northern opposition groups signed the Asmara Declaration, which laid the foundations for political and military cooperation between the Northern and Southern groups under the National Democratic Alliance (NDA) through federal arrangements in Sudan followed by referendums on self-determination in Southern Sudan, Abyei, Nuba Mountains and the Ingessena Hills after a four-year interim period (Idris, 2005: 72). The commitment of Northern powers, however, was frequently subject of high suspicion by the Southerners.

At the same time, the regime in Khartoum tried to improve its legitimacy by celebrating elections for the National Assembly in March 1996, allowing Al-Beshir to regain the presidency while Turabi was elected President of the National Assembly, even if these elections were subject to intense criticism and accusations of manipulation and fraud. In the foreign scene, Sudan's isolation was aggravated with its inclusion of the country in the list of 'terrorism-promoting' countries.⁴⁸ In 1996, UN imposed international sanctions against Sudan, followed by U.S. sanctions in 1997 and in 1998, the United States, under Clinton, bombed a pharmaceutical plant in Khartoum allegedly producing chemical weapons.

Although the war in Sudan has in its origin a struggle over land and important ethnic and religious differences, its intensity increased significantly with the findings of important oil reserves and subsequent exploitation through a one thousand five hundred-kilometre pipeline and gushed into a super tanker at Sudan's new Red Sea port in August 1999. The civil war had until then made the development of oil-located beneath war-torn Southern areas impossible, but when the country began to export hydro carburets in 1999, the increased profits allowed the government to get new armament, thus multiplying trade relations with countries like China and Russia, among others. The International Monetary Fund, which suspended Sudan in 1990 for failure to pay even interest on its enormous debt, reinstated it just days before (Sosa, 2004: 127; Rone, 2003). It then became apparent that oil would have negative effects in the conflict. Indeed, in 1999, oil in the ground became the main objective of government military actions intended to run Southern herder populations off their land but it also became a target of sporadic rebel attacks designed to scare off foreign

⁴⁸ In the beginning of the 90s, Khartoum had harboured Osama bin Laden who, in return, financed important public structures.

oil operators (as was done in 1984 with Chevron). Hundreds of thousands of Southern Sudanese whose families had unsuspectingly lived with their cattle on the oilfields for centuries have been brutally displaced without any compensation. But this developments on the fledging oil industry also coincided with serious peace talks.

In the beginning of 2001, the multiple pressures on Khartoum provoked a rupture in Beshir's alliance with Turabi, who was accused of conspiring against the government and arrested. Several supporters of Turabi's new political party, the National Popular Congress and that had signed an agreement of understanding with Sudan People's Liberation Movement/Army (SPLM/A) were also arrested.

The arrival of George W. Bush to power in the US, in 2000, provoked a significant change in the situation and international attention given to Sudan. Washington became very much involved in the conflict until Sudan was converted in a central piece of American involvement in Africa. Sudan ultimately became a way to improve America's international image and show its role in the fight for human rights. The Sudanese government, under stringent unilateral sanctions imposed by US presidential executive order in 1997, badly wanted to improve its relationship with Washington and that opportunity came with the terrorist attacks of September 11, 2001. Khartoum promptly offered counter-terrorism cooperation with Washington, including over-flight permission, something not immediately provided by many European allies. US State Department personnel had already been allowed in to investigate whether the terrorist training camps it harboured when Osama bin Laden was living in Sudan from 1990 to 1996 were still in place. In 2001, Bush designated John Danforth his Special Representative, responsible for bringing all

parties to the negotiation table. Ever since then, diplomatic activity has been quite considerable and the USA has played a very important role in the quest for peace in the country. While the UN lifted sanctions to Sudan's government in 2001, Washington maintained theirs unilaterally, alleging that the government did not make enough to prevent terrorism and human rights violations. Khartoum then announced the liberation of around 15000 slaves, mainly Southern Africans. The American Administration then agreed on lifting the sanctions if a peace agreement was achieved.

On and off negotiations between the government and the SPLM/A under the auspices of neighbouring Kenya and Intergovernmental Authority on Development⁴⁹ (IGAD- an organism composed by some African countries⁵⁰) derived little progress from 1994-2001. As mentioned before, upon coming to office in 2001, one of the Bush administration's earliest foreign policy objectives was to secure a peace agreement between the Southern-based SPLM/A and Khartoum, allowing Washington to lift sanctions. In July 2002, Danforth led an international "Troika" made up of US, British and Norwegian officials, reopening peace talks between the Khartoum regime and guerrillas of the Sudan People's Liberation Movement/Army (SPLM/A) in

⁴⁹The origin, development and progressive expansion of IGAD have all been linked to the need for a concerted regional response to the environmental, political and development challenges of member states within a regional framework. The protracted social conflicts in Sudan, Somalia or Uganda have increasingly forced IGAD to develop and implement regional peace and security programmes and mechanisms (Omeje, 2008: 83). The organization has been actively involved in attempts to resolve various conflicts in Sudan, through the organization of several mediative meetings, which resulted, for example, in the adoption of the Declaration of Principles of 1994 (Omeje, 2008: 83). Although IGAD was a regional body not normally mandated or equipped to run a mediation process, the two parties were persuaded to accept its mediation because it had a clear incentive to see a peaceful solution in Sudan, as well as enjoying the full support of the international community. Also, IGAD recognized the limitations of its size and experience and welcomed international support in the form of the IGAD Partners' Forum (Italy, Norway, the UK and the USA). This reassured both sides that the process would be taken seriously and properly funded, unlike the recent Abuja process for Darfur (Ofuho, 2006).

⁵⁰ The Intergovernmental Authority on Development (IGAD) is comprised by Djibouti, Ethiopia, Eritrea, Kenya, Somalia, Sudan, Uganda and was created in 1996 to follow and reinforce the Intergovernmental Authority on Drought and Development (IGADD) which was founded in 1986.

Machakos, Kenya (Dixon, 2004). The involvement and interest of these particular countries can be explained by various reasons. The United States have been historically involved in Sudan due to intense pressure by American Christian civil society organizations who had long considered the war between North and South Sudan as a religious war aiming at eliminating Christian and Animists in the country. Decades of sanctions against Sudan have progressively been replaced by a more intense involvement in the peace process. As for the United Kingdom, the historical past of colonial rule somehow explains the direct involvement in the Sudanese peace process, which is seen as a sort of catharsis as to what was British contribution to the turbulent post-independence history. Finally, Norway basically played an already usual role the neutral actor in peace processes and negotiations to solve conflict, providing mediation skills and facilitating negotiations among the parties. These various involvements, although somehow responding to different interests and objectives helped, through well-succeeded bribes and threats, achieve a declaration of a cease-fire between the parties, which constituted a first important step for the peace process to endure. . The subsequent Machakos Protocol, which granted a self-determination referendum for the South after a six-year interim period, while Islamic Shar'ia law was to remain in the North, provided a framework for future negotiations. In May 2004, Khartoum and the SPLM/A agreed that government revenue from the oil exports from the Southern oil fields would be split between the SPLM/A-dominated Southern regional government and the central government in Khartoum. Further talks were scheduled to begin on June 22 in order to finalise procedures for an internationally monitored cease-fire agreement and a timeline for implementing the peace deal.

Important accords have then been signed in Kenya by Sudan's government and the rebel Sudan's People Liberation Movement/Army (SPLM/A), clearing the way to a comprehensive agreement for ending one of Africa's longest war, beginning shortly after independence in 1956. Under the auspices of the Intergovernmental Authority on Development (IGAD), the Sudanese government and the SPLM have reached a complex, detailed agreement with real security guarantees which was officially signed on January 9, 2005⁵¹, bringing at least formal peace between the North and the South of Sudan for the first time in several decades.

4.3. Darfur: a spoiler or a promise for peace in Sudan?

Although the conflict in Darfur is not the primary focus of our analysis, there are specific characteristics and trends that deserve being analysed from a more general perspective, trying to find common elements between both conflicts. In fact, prospects for a peace dividend and the unblocking of aid in the whole country have been largely endangered by developments in Darfur. The situation there is not just unresolved but getting worse and from a strategic point of view, many assume that the regime in Khartoum signed the CPA partly to deflect further international pressure over its ongoing military activities and systematic atrocities in the western region of Sudan (Prendergast, 2005: 1). In fact, the Darfur province became the latest chapter in Sudan's civil wars when the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) rebelled against the government in February 2003. These rebel groups claimed years of political, economic and social marginalization of the region, and are composed of predominantly African sedentary tribes, such as

⁵¹ Further and more complete analysis of the content and terms of autonomy provisions under the 2005 Comprehensive Peace Agreement will be presented in the next chapter.

Fur, Zaghawa and Massaleit. The conflict in Darfur is not religious since all parties are Muslim but is being called genocide by some parties since the fighting is occurring on the basis of tribal affiliation. Once one of the most prosperous Sudanic states, Darfur has been progressively subject to historical, economic and political neglect, ever since colonial times and by the successive Sudanese governments, in particular after the devastating drought in 1984/85, which destroyed a great part of the agricultural and pastoral tissue of the region. The social and economic neglect of the Darfur occurred mainly through the predictable failure of crops, lack of markets, failure to guarantee the populations' access to natural resources. The political neglect of Darfur came with a progressive disinvestments in political negotiations between the various factions permanently struggling for scarce resources throughout the 1990s and not responding to the dialogue attempts called by those who would later become the leaders of all rebel movements, the Sudan Liberation Army and the Justice and Equality Movement (Ribeiro, 2006: 4).

In the past three years, attacks by an armed militia called the 'janjaweed', reportedly supported by the Sudanese government, have driven thousands/millions of people from their homes and already killed many, through direct violence or through the results of displacement.⁵² The numbers and widespread locations of the victims involved, the poor economic circumstances of the region, and its isolation make the delivery of humanitarian assistance extremely difficult. The Sudanese government is not making it easy either, continuously attempting to limit international involvement in the region and violating ceasefires throughout 2004, 2005 and 2006 despite

⁵² Throughout months Human Rights groups and humanitarian organisations have documented the campaign and the systematic human rights abuses involved in driving more than 2.1 million people from their homes and killing about 50 000 others.

intermittent peace talks and the presence of an African Union protection force since 2004. The April 8, 2005 ceasefire signed in N'djamena, for example, turned out to be a failure, since shortly after the signature government forces and their proxy 'janjaweed' militia resumed their attacks against rebel and civilian targets in all three states of Darfur (Prendergast, 2005: 5). Because the Darfur war has been between Muslims, most international observers have seen it as separate from the war in the South. But the crisis in Darfur is not unrelated to the war in the South, or to the wars in the Nuba Mountains, Blue Nile or Eastern Sudan (see map below).



Source: <http://www.sudan.net/government/admnmap.html>

In fact, there has been a steady escalation of fighting since 1998, and an increased polarisation of the conflict around the ideas of race. The decision of the Darfur Liberation Front in March 2003 to rename itself the Sudan Liberation Army (SLA) in order to gain a higher national and international profile was probably influenced by the acceleration of the Southern peace talks. The government's reaction was a repetition of its behaviour in the South and the Nuba Mountains: it declared the problem to be a 'tribal' conflict, mobilised 'tribal' militias, denied the evidence of the involvement of its air force and regular army units (freed from the Southern fronts by the cessation of hostilities agreements), obstructed international relief agencies, and tried to confine relief to designated 'corridors' of its own choosing (Johnson, 2003: xix). To some extent, the violence in Darfur began in 2003 when Darfurian rebel groups tried to get in on the carve-up of power and wealth being negotiated between the north and the South (Leader, 2005). The rapidity with which the Darfur crisis expanded, and the internationalisation of the crisis through its impact on Chad, forced much of the world to realise that the twin issues of war and peace in Sudan were far more complex than they had assumed (Johnson, 2003:xix). Initially, the main international actors involved in the Southern peace process, namely the USA and some European countries such Norway and the United Kingdom, chose to ignore what was going on in Darfur, Only when violence became visible and uncontrolled and the humanitarian crisis was clear did the international community threaten to intervene to solve the conflict through political and economic sanctions by the United Nations. This international interest in putting an end to the conflict – namely by the “Troika”- was clearly related to the fear that the escalation of conflict in Darfur could compromise the achievement of a peace agreement in the

South. In fact, in 2003 the prospects of peace through a formal agreement between North and South were almost guaranteed and some of the external actors involved – namely the USA and Norway, were not willing to put it at risk, thus assuming a more cooperative and stance also in the case of Darfur (Dixon, 2004).

Beginning in earnest in July 2004, Washington, backed by the European Union, began to ratchet up the pressure on Khartoum to rein in the janjaweed. On July 1, the United States Secretary of State Colin Power visited Khartoum warning Sudan's government that "Unless we see more moves soon... it may be necessary for the international community to begin considering other actions, to include Security Council action." Three days later, Sudan's rulers issued a joint communiqué with UN Secretary-General Kofi Annan in which they promised to immediately start disarming the janjaweed and other armed outlaw groups, allow the deployment of human rights monitors and ensure that all individual and groups accused of human rights violations are brought to justice without delay (Plan of Action for Darfur, 2004)

The Sudanese government committed itself to ensure that no militia is present in areas surrounding internally displaced persons camps and pledged to deploy a strong, credible and respected police force in all areas where there are displaced persons as well as in areas susceptible to attacks. It was also agreed that an African Union military force of 300 troops would be allowed into Darfur to protect AU officials there to monitor a cease-fire negotiated in April 2004 between Khartoum and the main rebel groups, the SPLM/A and the Justice and Equality Movement (JEM). In mid-July, Powell circulated a draft UN Security Council resolution that threatened Khartoum with unspecified sanctions unless it implemented the July 3 UN-Sudan

communiqué. Despite the fact that the draft UN resolution did not authorise the use of military force and there were no public plans for a UN intervention force in Darfur, the British and Australian governments added to Washington's pressure on Khartoum by letting it be known that they were prepared to send troops to the region if called upon. Agreement on a Security Council resolution remained stalled until late on July 29 when Washington finally dropped specific mention of the imposition of "sanctions" from the fourth draft. Eight of the UN Security Council's 15 members- including China and Russia- had opposed the specific threat of sanctions. In its final form, the resolution warned that unless Khartoum made progress in implementing the July 3 communiqué within 30 days of the resolution's adoption, the Security Council would "consider further actions, including measures as provided for in Article 41 of the UN Charter" (which excludes military action but allows economic and diplomatic sanctions). The resolution was passed on July 31, by a margin of 13-0, with China and Pakistan abstaining. At the same time, and through the various years ever since the conflict in Darfur was made visible, the role of international and local humanitarian organizations and human rights activists became crucial in alerting the international community to what these organizations considered to be the world's worst humanitarian crisis. The scale of human tragedy was also reflected in these organizations' capacity to intervene and act in the territory, since important limitations of access were put in place. For these organizations, namely the human rights activists, this was a conflict that could not simply be considered an extension of Huntington's 'clash of civilizations' or a merely 'ethnic' war, as many analysts claimed. It was rather a conflict that undermined the essence of humanity of the various populations in Darfur and that illustrated the repressive policies of

Khartoum's government when it came to allowing for equal access to rights, resources and socio-economic security⁵³.

After four years of significant deterioration of the humanitarian situation in Darfur and numerous stalemates in a peace process involving the highest representatives of the international community and some of the belligerent parties, the Darfur Peace Agreement⁵⁴ was finally signed on 5 May 2006 in Abuja. Although indisputably important in the attempt to put a formal end to the violence in Darfur and promote the improvement of bilateral relations with Chad (which had been deteriorating ever since instability in the region started due to massive waves of refugees who crossed the border), this agreement was implemented with a prudent optimism. First of all, because it was signed only by the Sudanese government and one of the rebel groups in the region (the majority faction of SLA/M), undermining its implementation and risking a very limited impact in the field.⁵⁵ Secondly, because, like in the CPA with the South, both parties ended up giving in significantly to the external pressure, making the success of the agreement dependent also on the real and active commitment of the international community in making parties comply with the

⁵³ At the time there were several reports mainly from Human Rights organizations alerting for the dramatic situation in Darfur. See for example: International Crisis Group 2204, 'Sudan: Now or Never in Darfur' (Africa Report 80, 23 May 2004, <http://www.crisisgroup.org/home/index.cfm?id=2765&l=1>); Amnesty International, 'Sudan: Alarming increase in executions in Darfur Region' (<http://www.amnesty.org/en/library/info/AFR54/011/2002/en>); Amnesty International, 'Sudan: Looming crisis in Darfur' (Amnesty International, <http://www.amnesty.org/en/library/info/AFR54/041/2003/en>).

⁵⁴ Led by the African Union representatives and by the then U.S. Under-Secretary of State, Robert Zoellick, and representing a relative success of American voluntarism for Darfur, this agreement established, for the first time, the acceptance of a UN force to support the insufficient African Union force in the territory. The most important points in the agreement included also restrictions on the movements of the Popular Defence Forces, as well as a decrease in their contingents, the integration of the leader of the major rebel force (SLA) in the government of National Unity, the establishment of buffer zones around the refugee camps and humanitarian corridors.

⁵⁵ For example, the Janjaweed militia were not even represented in the negotiation, reinforcing the idea that they did not feel compelled or constrained to respect the agreement at all, seriously undermining its viability.

agreement. However, the continued denial of humanitarian access to the population in Darfur by the parties, combined with the collapse of local economies and coping mechanisms, but also, and above all, with a complete lack of commitment by the parties to seriously engage in peace and ceasefire negotiations are clearly disturbing signs that things are getting much worse in Darfur threatening peace in the whole country. The North-South agreement can serve as a precedent and a model for a political settlement in Darfur based on regional autonomy and participation at national level, but the question now, vital for Sudan's future stability, is to know how much room a new power-sharing government will give other political forces from the country's periphery.

Sudan is now at a stage of increased instability and undefined political situation. Rebel groups in Darfur are expanding their guerrilla activities to neighbouring countries (like Chad or Central African Republic), at the same time the country is preparing for elections next year and important decisions are being played concerning the future integrity of the country. Besides that, in the South, relations between the central government and the government of Southern Sudan have been under enormous tension due to the many divergences related to the administrative status of the oil-rich border areas of Abyei, Nuba Mountains and Blue Nile and the many unsolved issues such as the creation of institutions in the South, return and resettlement of refugees and internally displaced persons, among others. Again, the perspectives of peace in Sudan become dependent of internal and external factors and developments that clearly show the complexities of the country and the many conflicts in it.

In sum, it seems clear that the recent history of African's biggest country has been characterised by violence and structural discrimination of all those who defy a succession of oppressive regime which, ever since independence and especially after 1989, have defended and applied a strict vision of the state and the society. Such discriminatory vision and policy has ignored the multicultural and multiethnic essence of the Sudanese society based on an oppressive Arab identity and a very radical vision of Islam, imposed over Southern Black populations (and also non-Arab Muslims from Eastern and Western parts of the territory). This discrimination has been expressed in specific measures, such as the limitation of the access to political seats (mainly available to a strict Arab elite), the 'Arabization' of administrative and educational systems, an unequal legislation that does not recognise the rights and equality to all its citizens, and especially a clear and structural economic exclusion, in which the benefits of oil exploitation are distributed to Northern areas (Ferreira, 2005: 43). In such circumstances, attempts to defy and fight against such marginalizing policies have resulted in violent confrontations by Southern rebels (and other groups throughout the country) claiming equal treatment and inclusion in the country's economic, political and social system.

4.4. Chapter conclusions

Drawing from several authors perspective, what the previous analysis clearly shows is that since Sudan achieved independence, it bore the burden of memories of the broken promises of peace, prosperity and justice made by rulers of a distant and more recent past. It also shows the failure to create the conditions for equitable coexistence that has thus far marked the struggle in Sudan (Iyob and Khadiagala, 2006: 37).

In fact, successive regimes have manipulated administrative structures to undermine the control of local people and authorities over resources. Identity and ideology, especially Arab nationalism and political Islamism have been used to mobilize support to compensate failed state policies. Post-independence governments, ever since General Abboud took power in 1958 sought to modernize and consolidate state and economy through the creation of a Sudanese national identity based on Arabism and Islamism, in clear oppression of the Christian and Animist culture dominant in the South⁵⁶ (El- Battahani, 2006: 11). But besides this ideological dimension, these trajectories of Arabization and Islamization have been dimensions of a much more complex process in which the goal of creating and consolidating a strong central state continuously relied on various expressions and languages of collective and identity mobilization. The way in which groups have been mobilized ones against the others has been a common trend in the Sudanese political, social and economic history. The post independence definition of Sudanese nationalism, rooted in Islam and Arabism, thus alienated broad sections of the population and it has been contested by secular ideologies based on equal citizenship rights. Continuous Sudanese leaders have been involved in suppressing uprisings in the Western, Eastern and Southern peripheries and have also been waging ideological wars pitting sectarian leaders against advocates of secularism and communism (Iyob and Khadiagala, 2006: 13). In this context, Africa's largest country, has been tormented by intermittent war virtually since its independence in 1956. Education and health services have been disrupted, livelihoods destroyed and much of Sudan's physical, human and social capital as well as development opportunities have been destroyed in the last fifty years (El-

⁵⁶ Even before independence was officially granted the strategy of transferring Southerners away from the South led to a mutiny of Southern troops in Torit in 1955.

Battahani, 2006: 10). The most clear and concerning outcome of such historic trajectory has been underdevelopment, exclusion and violent conflict (El- Battahani, 2006: 10) not only of the Southern areas, but also of all the regions outside elite-ruled Khartoum. That seems to be the reason why John Garang's vision of a New Sudan was based not on an idea of a Southern independent state, but on the acknowledgement of the unifying potential of the modern concept of citizenship for the majority of the population who had been neglected in their socio-economic expectations and demands and repressed by the several hegemonic and ruling elites of the capital (Iyob and Khadiagala, 2006: 55). In the case of Sudan, as in many other similar contexts, the idea of ethnic, religious or political identity as the main trigger of conflict has dominated the contemporary discourses and interpretations of the Sudanese North-South conflict. Such an understanding, however, led to oversimplifications (Iyob and Khadiagala, 2006: 29) and to limited analyses that characterize the conflict simply as a primordial and inevitable opposition between Northern Muslims and Southern Christians and Animists. The causes of conflict are much more complex and interwoven with ethnic, cultural, religious, resource-based, social and economic dimensions all playing a direct and active role, clearly underpinned politically by the state's continuous lack of legitimacy and control by oppressive elites (El- Battahani, 2006: 10).

In this sense, failure to understand the deeper and much more complex and intertwined causes and histories of the relations between peoples and the causes of the conflict inevitably leads to ill-fitting solutions for conflicts that threaten to break the society apart (Iyob and Khadiagala, 2006: 30). It also means that failure to go beyond the Muslim-Christian dichotomy prevents the analysis of localized sources of

violence and counter-violence and ultimately the attempts to resolve conflict and build sustainable peace in the whole country. In the next chapter, we will show how such simplistic interpretations of conflict and violence have been incorporated in the several peace agreements in Sudan up until the Comprehensive Peace Agreement in 2005 and how these have made the prospects of peace repeatedly more difficult and vague.

“Not acting is not a choice, but acting incorrectly can be costly.”

(Yanacopolus and Hanlon, 2006: 314)

5. FROM ADDIS ABABA TO THE COMPREHENSIVE PEACE AGREEMENT: A RECIPE FOR PEACE OR A WAY BACK TO CONFLICT?

5.1. Introduction

In the previous chapter, we have traced back the main lines of evolution of the long lasting conflict between Northern and Southern Sudan, attempting to use history as a way to grasp the main root causes of the conflict. As noted by the historian Douglas Johnson, the civil war in Sudan has been one of Africa's longest and most intractable conflicts (Johnson, 2003). The Sudanese peace process was also long and began in the early stages of the conflict, culminating with the signature of the Comprehensive Peace Agreement between both parties signed in Nairobi, Kenya, on January 9, 2005⁵⁷. This peace Agreement has been considered a very important step towards actual peace in Sudan and has been the result of intense pressure by the several external powers involved, such as the United States, Norway, United Kingdom and Italy. In fact, in the past few years, oil, slavery and the recent "war on terrorism" have placed Sudan back in the international diplomatic agenda. With this new international interest came the opportunity to address the root causes of this long lasting war and construct a comprehensive and sustainable peace. But despite these various aspirations it seems that there is yet no general consensus as to what those root causes are or as to which should be the best formula to address them.

As it has been mentioned in the previous chapter, the Sudanese North-South conflict has frequently been presented as either the continuation of an age-old confrontation between 'cultures' defined by blood-lines ('Arabs' versus 'Africans'), or the

⁵⁷ Also known as the Naivasha peace process.

consequence of an artificial division imposed by colonial powers (Johnson, 2003:xi) between Muslims and Christians. It is our argument that such simplistic interpretations have been present in the various stages of peace negotiations and were therefore translated into the provisions of the Agreement thus distorting and undermining other fundamental causes of conflict.

Although the United Nations' principles of non-interference, sovereignty and respect for boundaries, which were also embraced by the Organization of African Union⁵⁸ posed clear limits on external involvement to help put an end to Sudan's conflict (Iyob and Khadiagala, 2006: 79), the truth is that, in a sense, external involvement in the period up to the signing of the Comprehensive Peace Agreement in 2005, and the parallel ongoing negotiations on Darfur, demonstrate the persistence and resilience of external actors in transcending the limits of those internationally defined norms and principles (Iyob and Khadiagala, 2006: 79). From the 1960s onwards, the internationalisation of the conflict mirrored efforts by external actors to alter the international norms and structures that insulated them from playing more active roles in conflict resolution. To a certain extent, such circumstances helped guarantee an

⁵⁸ In 2001 the Organization of African Unity was restructured and renamed as African Union. The African Union differs from the old Organization of African Unity in the way in which it envisages its role in situations of human rights violations within one country. The African Union does consider the possibility to intervene in such situations. Actually, the African Union crystallized the responsibility to be involved in the peace negotiations.

The African Union has been heavily engaged in the Sudanese peace process. The goal was to support the peace process, so it could go until the end, through a strategy of active and direct engagement with the various actors, namely the population itself. It basically supported the peace negotiations with technical and financial assistance (funding projects, meetings, translations).

The idea was to contribute to find a common ground for the negotiations and update the organization on the progress of the negotiations. At the time, a particularly important role was given to the Peace and Security Council, and a special attention given to gross violations of human rights. After the signature of the Comprehensive Peace Agreement in 2005, responding to the constitutive principles of the organization, the African Union assumed its responsibility to engage in the implementation process, in order to avoid a relapse to conflict. It then assumed its role as a helping bridge between both parties in the implementation process and there was also the appointment of a Special High Level Representative to the country, and the creation of an office both in Khartoum and in Juba.

The goal was to support the peace process, so it could go until the end, through a strategy of active and direct engagement with the various actors, namely the population itself.

external engagement by regional and international actors that has no significant parallel in the history of Africa and African conflicts.

In this chapter, analysis will focus on the main conflict resolution and peace negotiation strategies in Sudan, ever since the 1972 Addis Ababa Agreement to the 2005 Comprehensive Peace Agreement, in a way to understand if and how internal and external resolution efforts have been effective and sustainable in putting an end to the Sudanese North-South conflict. In this case, it will be argued that there has never been a full understanding of the root causes of the conflict and of the degree in which the denial of economic, social and cultural rights has contributed to perpetuate conflict and promote instability in the whole country. This lack of understanding has resulted in peace strategies and formulas that may not be enough to prevent the resumption of conflict and sustain peace.

From the beginning we will assume that external participation of the main mediation actors presented many constraints to the internal parties, simultaneously offering them resources to strengthen organizational capacities and subjecting them to the pressures of external dependence (Iyob and Khadiagala, 2006: 91), without paying due attention to the main causes and dynamics of the conflict. It is part of our argument that there was a persistent and clear neglect of some fundamental dimensions of conflict – namely the socio-economic dimension- thus resulting in a situation in which effective and solid compromises to sustainable peace have been missed along the way.

5.2. A long and tortuous peace process

In the long and troubled period of war between North and South, the Sudanese have never stopped talking about peace and working for it (Iyob and Khadiagala, 2006: 13).

The first attempt to achieve peace between the central government in Khartoum and the Southern rebels took place in the beginning of the 1970s and resulted in the 1972 Addis Ababa Agreement. The Addis Ababa Agreement suspended the war temporarily recognizing the South as a distinct cultural and historical entity (Idris, 2005: 52) and providing for autonomy, including the establishment of a Southern Regional Government and a National Assembly in Juba (the capital of Southern Sudan). Although the Agreement provided for the right to the Southern Regional Government to raise revenue from local taxation, most of the revenues remained dependent from the central government (Iyob and Khadiagala, 2006: 85) and were therefore scarce. On the security area, it provided for amnesty for soldiers and their incorporation into the Southern Defence Corps but it left considerable ambiguity about the timing of the integration of the armed forces (Iyob and Khadiagala, 2006: 85). For the Southern elites, the Addis Ababa Agreement allowed for the management of quasi-autonomous institutions in Juba, but in reality it presented more constraints than advantages mainly due to weak economic resources and lack of governance and management skills. President Nimeiri took advantage of these weaknesses and limitations and transformed the new-built institutions into a subsystem of his own presidency (Iyob and Khadiagala, 2006: 86), somehow maintaining a policy of neglect and marginalization of the South, without having to present itself as the primary responsible for the situation and, therefore, accountable.

Although the Agreement recognized the specificities of Southern Sudanese historical experiences, it ended up reproducing the colonial perception about the South in terms of a racially different entity thus deserving different and separate administrative and political arrangements (Idris, 2005: 52). For some, it was somehow a post-colonial version of the British Southern Policy not reflecting any considerable change in the central government's aspirations to continue –now with a formal structure- neglecting the Southern populations and territories.

According to a scholar from the Juba University in Khartoum the Addis Ababa Agreement recognised the cultural diversity of the country but lacked the crucial reference to socio-economic development of the region. There were provisions to silent the guns, but the socio-economic disparities between the North and the South persisted (Interviewee 2).

Despite the inclusion of a notion of limited autonomy, the Addis Ababa Agreement was expected to result in an innovative solution to the North-South conflict, but it actually continued to reflect the deep regional power and socio-economic imbalances (Iyob and Khadiagala, 2006: 85) thus providing a very fragile and temporary autonomous administrative structure for the South.

According to Francis Deng, the Addis Ababa Agreement gave Southerners a corner of the country within which to exercise a limited degree of autonomy while major national and international issues were left to be determined by the centre (Deng, 2005: 6). Furthermore, the Agreement did not provide the South with a financial base thus remaining largely dependent on the will of the Northern government.

After the two Muslim-led coup attempts in 1975 and 1976, Nimeri reached out to his Islamist opponents – Sadiq el- Mahdi's Umma Party and Hassan Turabi's Muslim

Brothers Islamic Charter Front⁵⁹. The 1977 'National Reconciliation' document allowed for concessions to the sectarian parties and ultimately had a very negative impact on the provisions of the Addis Ababa Agreement, since it included the incorporation of sectarian leaders in government, the possibility of review of the provisions of the 1973 Constitution (and which gave Christianity equal status to Islam) and a clear opposition to secularism and preference for an Islamic Constitution (Iyob and Khadiagala, 2006: 87). In this context, the significant rise of the National Islamic Front during the failed implementation of the Addis Ababa Agreement raised difficult dilemmas to the attempts to find a successful settlement for the conflict, but it also helped clarify the positions and aspirations of the actors involved (Iyob and Khadiagala, 2006: 91).

However, after eleven years of a very fragile peace and the failure of the Addis Ababa Agreement, which was followed by the decision to impose the Shari'a in the whole country, Sudan relapsed into intensified violent conflict. As it has been mentioned in the previous chapter, with the spirit of collective action led by the Anyanaya loosing field during the implementation of the Addis Ababa Agreement, the SPLM/A was the new responsible to translate Southern aspirations into more sustainable and effective structures (Iyob and Khadiagala, 2006: 91).

In 1992, a new peace initiative was launched with the support of the Organization of African Unity and of the Sudanese government, which led to the Abuja peace talks between May 1992 and May 1993. The first part of the talks committed the parties to an agenda that included three phases and issues: dealing with the substantive issues of national identity, citizenship and fundamental rights; dealing with power and

⁵⁹ Later renamed National Islamic Front (NIF).

resource-sharing arrangements; and setting up interim arrangements for a new and permanent Constitution (Iyob and Khadiagala, 2006: 95). At the end of the talks in June 1992, the parties agreed to sign a communiqué referring to Sudan as a multi-ethnic, multi-lingual and multi-religious country and calling for efforts to undertake institutional and political arrangements to cope with and encourage such diversity (Iyob and Khadiagala, 2006: 95). However, this resulted again in a void and meaningless expression of the true will of the parties, and especially of the Sudanese government, since it was not enough to end the war and open the way to committed peace negotiations. It was in this difficult environment that the Inter-governmental Authority on Development Declaration of Principles was presented to the government only to be rejected not because it referred to self-determination but because it was presented as an ultimatum related to the question of Sudan's secularisation and as a precondition to formal talks. In fact, for most Southerners the question of self-determination was critical, but it could not be seen as a precondition for negotiation. By 1997, the government had negotiated the Khartoum Peace Agreement with a number of Southern militias and was seeking to improve its relations with the other IGAD member states, so the conditions for talks were more open⁶⁰ (Hussein, 2006). Even then, it was not clear that the SPLM/A was committed to finding a peaceful solution, and between 1997 and 1999 little was achieved. The language remained hostile and both sides kept their cards close to their chest and

⁶⁰ There was also more international pressure, stimulated by increased public awareness of the 'forgotten war.' The government preferred a locally-mediated over an internationally-mediated solution, and had been pursuing a strategy of 'peace from within,' demonstrated by then Vice-President General al-Zubeir's 1995 Political Charter, which paved the way for the *Khartoum Peace Agreement* in April 1997 (Hussein, 2006).

maintained maximal positions. However, and according to Hussein (2006) one important factor had changed. The people had tasted peace in the form of increased freedom of movement and economic activity, and they began to put pressure on their leaders not to go back to war (Hussein, 2006).

For almost ten years, the Sudanese conflict escalated, increasingly polarizing positions also due to the findings and exploitation of important oil fields in the Southern regions. At this time, and as long as it managed to guarantee military control of the South, the Sudanese government was not at all interested in negotiating peace. At the same time, the existence of oil in the South clearly galvanized the SPLM/A's struggle against the repressive tone of the government and towards greater autonomy of the South under a restructured Sudan, respecting the principles of development and equality. Nevertheless, in July 2002, both parties and the external actors involved in the peace process agreed on another document aimed at achieving peace with the signature and adoption of the Machakos Protocol⁶¹. This Protocol recognised the existent historical grievances of the Southern populations and was based on the idea that the priority should be the unity of Sudan. This unity should be achieved through respect for the free will of its people democratic governance, accountability, equality, respect, and justice for all citizens of Sudan (Machakos Protocol, 2002: 3 §1.1). In the Machakos Protocol, both parties manifested their desire to resolve conflict in a just and sustainable manner, by addressing the root causes and by establishing a framework for governance through which power and wealth should be equitably shared and human rights guaranteed for

⁶¹ As we shall see, the content, provisions and guarantees included in the Machakos Protocol are to a great extent replicated in the 2005 Comprehensive Agreement.

all. According to the Protocol on Wealth –Sharing adopted within the Machakos Protocol,

“The wealth of Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties” (Machakos Protocol, 2002: 2 §1.2). It further mentions that “The National Government shall also fulfill its obligation to provide transfers to the Government of Southern Sudan”. (Machakos Protocol, 2002: 2 §1.3)

and that

“The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development”. (Machakos Protocol, 2002: 2 §1.4)

In order to make these principles operational in relation to oil revenues, the Protocol established the following sharing formula

After the payment to the Oil Revenue Stabilization Account and to the oil producing states/regions, fifty percent (50%) of net oil revenue derived from oil producing wells in Southern Sudan shall be allocated to the Government of Southern Sudan (GOSS) as of the beginning of the Pre-Interim Period and the remaining fifty percent (50%) to the National Government and States in Northern Sudan (Machakos Protocol, 2002: 8 §5.6).

As for the non-oil revenues, it was established that

[...] Notwithstanding the provisions of paragraphs 5.6, 7.1 and 13.1, the National Government shall allocate fifty percent (50%) of the national non-oil revenue collected in Southern Sudan, as provided for herein under paragraph 6.1 above, to the GOSS to partially meet the development cost and other activities during the Interim Period. The Parties agree to review this arrangement, at mid-term of the Interim Period, with the view of the National Government allocating additional resources to the Government of Southern Sudan. (Machakos Protocol, 2002: 10 § 7.3)

It further included the reference to the need to find a comprehensive solution that addressed the economic and social deterioration of Sudan through the promotion of social, political and economic justice, seeking a balance between the needs for national development and reconstruction of Southern Sudan and guaranteeing capacity to the government of Southern Sudan to perform basic government functions, build up the civil administration, and rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan (Machakos Protocol, 2002: 2 § 1.5), thus respecting the fundamental human rights of all the Sudanese people. With the declared goal of making the unity of the Sudan an attractive option especially to the people of Southern Sudan, the Machakos Protocol called for the establishment of a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the country (Machakos Protocol, 2002: 3 §1.6-1.7). In the Preamble it also very vaguely recognised the historical imbalances of development and resource allocation to which the Southern regions had been subjected to, thus calling for sustainable reconstruction plans (Machakos Protocol, 2002: 3 §1.9).

The international commitment to the Sudanese process present in this Protocol was also very clearly identified in the guarantees it included concerning the implementation process. In fact, the Protocol specifically included the creation of an Assessment and Evaluation Commission, composed by an equal representation of the government of Sudan and of the SPLM/A, as well as by representatives of the member states of the Intergovernmental Authority on Development Sub-Committee

on Sudan⁶², of the observer states⁶³ and of any other countries, regional or international institutions agreed upon by the parties. This Commission would be responsible for monitoring the implementation of the agreed provisions (Machakos Protocol, 2002: 3 §2.4.1) but with such vague and limited provisions, it would be naïve to believe that it would actually have anything substantial to do in practice. But despite the written provisions and principles underlying the Machakos Protocol, which were mostly vague and rhetoric, the implementation was a failure and again the parties did not fully comply with their obligations. The failure is to a great extent due to the non-responsive attitudes of the government of Sudan. As Iyob and Khadiagala refer, after the signing of the Protocol, the hopes of peace and stability were shaken by the SPLM/A's capture of Torit in September 2002, resulting in the Northern government withdrawal from the negotiations concerning the remaining issues and implementation (Iyob and Khadiagala, 2006: 122). During the following months, the negotiations focused mainly on the need to agree on a cessation of hostilities that could help open the way to furthering the negotiation of a more sustainable and comprehensive peace agreement, including crucial political, security and wealth-sharing guarantees and provisions. The role of international and regional mediators, such as the Intergovernmental Authority on Development was fundamental to create a climate of trust and ownership of the process among both parties and allowed for a feeling that the moment was ripe for peace and that there was significant will to negotiate it. The momentum finally resulted in the signature of the Comprehensive Peace Agreement in January 9, 2005, which included the various protocols signed by the government and the SPLM/A within and since the Machakos

⁶² Djibouti, Eritrea, Ethiopia, Kenya, and Uganda.

⁶³ Italy, Norway, UK, and the USA.

talks (Iyob and Khadiagala, 2006: 123). Furthermore, as it became clear that both parties to the Intergovernmental Authority on Development peace negotiations in Naivasha were reaching consensus and that peace was imminent, attention turned towards assessing Sudan's reconstruction needs through the organization of a donor's conference under a comprehensive framework for Sudan's development priorities later named Sudanese Joint Assessment Mission (JAM) (Mahjoub, 2006). The goal of this Joint Assessment Mission was to define an inclusive exercise in strategic planning and economic reconstruction for war-torn Sudan⁶⁴, organized around key themes integral to consolidating peace and facilitating broad-based human and economic development in the country and demonstrating the importance of inclusiveness at all stages of the peacebuilding process, a shared commitment to reconstruction, a thorough preparatory phase and an understanding of the local context⁶⁵ (Mahjoub, 2006). In a scenario of high expectations, the most recent Agreement aimed at achieving a comprehensive peace in Sudan was finally signed in 2005, under intense international pressure and threatened by the increased violence in Darfur. The Comprehensive Peace Agreement includes much of what was the content of the Machakos Protocol when it comes to the main provisions and

⁶⁴ Further support was provided by the World Bank's Low-Income Countries Under Stress (LICUS) fund, which had already decided - before the Joint Assessment Mission was born - to finance initiatives in support of the peace agreement, making funding available to joint projects especially in the areas of civil service reform, media and youth. Working relationships built up during the talks smoothed the formation of a Core Coordinating Group (CCG) for the JAM, which was headed by Norway and comprised representatives from the Government of Sudan, the SPLM, the United Nations and the World Bank (Mahjoub, 2006).

⁶⁵ Unfortunately, those involved in the mission faced important practical and time constraints, which limited the capacity for sufficient consultation at local and state government levels and to develop a deeper understanding of local needs, the different expectations of rural and urban communities and the root causes of conflict in Sudan. Nonetheless, the Joint Assessment Mission was a statement on the importance of poverty eradication and sustainable development in reducing existing and potential conflict (Mahjoub, 2006).

principles on power and wealth sharing. It stipulated, first of all, the adoption of a new Constitution, and then a six-year transition period for the country, with elections in the interim and ending with a referendum in 2011 for the South to decide whether it will continue part of a united Sudan or choose independence. The provisions on the referendum have been a particularly controversial issue. During the peace talks, the external actors have supported unity of Sudan as part of the peace deal outcomes. The Sudanese government also prefers unity, mainly because the oil lies mainly in the South. According to some analysts, the interim period would give the Northern National Congress Party government time to convince Southerners - through internationally supported development projects and funding- that they would benefit from staying within a transformed united country and would no longer be considered second-class citizens. As for the Southern parties, the SPLM/A – and especially its leader John Garang- never actually fought for independence, and its official goal has always been a ‘New Sudan’, in the sense of a Sudan freed from the dominance of Islamic sectarian politics, and where the various underdeveloped regions would have a greater role in their own administration, greater control over their own resources, and a greater share in the nation’s governance and resources (Johnson, 2005). From the perspective of the SPLM/A, a peaceful resolution of the conflict in Sudan would be achieved through a comprehensive development strategy based on a sustainable system of participatory democracy, good governance and on a broad-based civil authority. However, these are not at all clear-cut positions. According to an anonymous interviewee working in Khartoum, the SPLM has basically been simultaneously adopting two agendas: a minimum agenda, that basically means that changes and decisions would be made and planned for secession in 2011, after the

referendum. This seems to be the agenda driving the policy and action of the SPLM today, mainly due to Salva Kiir's weak position in the government of national unity; and a maximum agenda, which implies that the main goal of SPLM is to defeat the National Congress Party through free and fair elections and then promote unity. However, this is not at all a clear or easy scenario, since the conditions for free and fair elections in 2010 are not yet in place⁶⁶. In the interim period, the objectives would involve sharing oil revenues and jobs in government, and the protection of Southern Sudanese and the people of the Nuba Mountains, Southern Blue Nile and Abyei from the possibility of being double-crossed by the ruling National Congress Party. The regions of Abyei, Blue Nile and Nuba Mountains have a special status within the Comprehensive Peace Agreement and were treated in a separate protocol. These areas are part of the Northern Kordofan region, mostly composed by the Dinka people, and have also been affected by the war. Given the disagreement on the definition of borders in this area⁶⁷, the protocol re-establishes the option of deciding

⁶⁶The elections also raise the question of who will be entitled to vote in the referendum in the South after the interim period of six years, a problem that inevitably raises the question of the future and rights of the thousands of displaced Southerners in Khartoum and other surrounding areas. Concerning this issue, and according to the historian Douglas Johnson (specialist in Sudanese history), there are two different opinions and assumptions: the first one is defended by Southerners and SPLM/A officials, who believe that these people will inevitably return to their homes in the South and be fully integrated in the political, social and economical life of the region; the second and more pessimistic opinion, mostly defended by the government officials defends that these people will never return to the South because they have been enjoying services that do not exist in the south (health care, education...) and are now used to different living conditions. In Johnson's opinion, however, both views are misplaced. The second claim is absurd because most Southerners displaced in Northern areas including the capital are living in refugee camps and dumps without any access to such services. On the other hand, there are some services that are actually available in the North for some of these displaced persons and that must be made available also in the South, so that these people can return to their homes. Otherwise, returnees will be caught in a state of distress and probably consider going back to the capital (Johnson, 2008).

⁶⁷ This status of the Nuba Mountains, the Blue Nile province and the Abyei region in Southern Kordofan is important but still fragile. Although those three regions have Christian majority and black African populations, they were allocated to the North in the February 1972 peace agreement that ended the first civil war (1955-1972). Backed by the local people, the SPLM/A has long called for an agreement to include these regions as constituent parts of the south while Khartoum has always been against it (Prunier, 2005).

the status of Abyei through referendum (to decide if the people want to be part of the South or the North), but it does not define the territory of the Abyei region. The protocol also foresaw the creation of a Borders Commission, composed by a group of internal and external experts, which would be responsible for elaborating a report on the definition of the borders. The report ended up recognizing Abyei as part of the South, but the National Congress Party government refused and contested the result, thus reinforcing the stalemate on this issue. There has also been great pressure by the government not to include or mention the oil reserves that exist in the region in those territorial limitations, so they can continue being controlled by the government. During the negotiations, the SPLM was confronted with two options: either fight for Abyei or agree on issues such as oil transparency, revenues and employment. It chose the second option and therefore the Abyei issue, although central, because it defines the control of the main oil areas, was not further discussed until the debate on the definition of borders was brought up. Ever since the signature of the Comprehensive Peace Agreement there have been no significant developments on the drawing and definition of boundaries of this region, mainly due to clashing views and ideas. Some even believe that the protocol will never be fully implemented on this issue and may actually jeopardize the whole peace process in Southern Sudan (Johnson, 2008). This will definitely affect other parts and provisions of the Comprehensive Peace Agreement, because without an agreement on the recognized boundaries of Abyei, the boundaries of the whole Southern Sudan will also be compromised and undefined. The international community involved in the peace process clearly did not capture the importance of negotiating these territorial issues beforehand and which are now highly compromising the whole prospects of peace in

the country. Recently, however, there have been important developments on the issue of Abyei since the Permanent Court of Arbitration decided not to accept the boundaries drawn up as part of a 2005 peace deal, which were, as mentioned before, rejected by the North. The Court ruled that the Eastern and Western borders of Abyei should be redrawn, reducing the size of the region. According to some analysts, the size of Abyei is crucial in the perspective of the referendum in 2011 and in which the population of these regions is likely to opt for a union with the South. The issue was referred to the Hague court last year after clashes broke out in Abyei and it ultimately decided on where Abyei's borders lie rather than who owns the land. After this decision, the main parties in North and South Sudan have pledged to abide by the court ruling (BBC News, 2009). The head of the United Nations in Sudan, Ashraf Qazi already said that such court ruling on the borders of the disputed oil-producing Abyei area was a "win-win decision for both sides" that would aid implementation of a 2005 peace deal (Reuters, 2009a). This is a relevant issue for our argument since it will impact directly on the access to important resources by the South and therefore on the wealth to be shared with and available to, the Southern authorities. The revenues from oil resources are crucial for the promotion of development and creation of fundamental infrastructures for the population's socio-economic well-being and survival. Besides the two important elements of power and wealth-sharing which are crucial for Sudan's development and peace, the Comprehensive Peace Agreement also includes a security protocol which outlines the main priorities for stability of the country based on a collaborative approach to security, providing for the existence of two armed forces and joint integrated units that will constitute the core of the future national army (Samasuwo and Ajulu, 2006). However, when it

comes to understanding the main priorities of the Comprehensive Peace Agreement as it was defined and designed, these will certainly depend on the position and interests of the parties involved. In this case, and according to Jason Matus, the main goal for the external and regional mediators was basically the organization of the national and local elections. The idea was clearly to give the parties a couple of years to demonstrate what they can do and then let them be tested through the elections and through a democratic representation of the population. For the SPLM, the Agreement was based on the idea of referendum, although giving the opportunity to the National Congress Party government to show their intentions to contribute to a united Sudan. For the rest of the North, the aim was also the elections and the definition of the political and administrative future of the country in terms of federal, decentralized or autonomous states⁶⁸. Basically, the elections are the Agreement and if they fail then the Comprehensive Peace Agreement will also fail (Matus, 2008). The pressure put on by the external actors is also currently very clear with the preparations for the elections, since these were to a certain extent imposed by the international community. The SPLM may have a very important card in hand now because the National Congress Party needs the SPLM to win elections and maintain itself in government given that a majority victory in the elections will be very difficult to achieve and it could compromise its place in power. The National Congress Party could also try to get alliances with other parties, but this would be contrary to the Comprehensive Peace Agreement and the South could even resume war (something

⁶⁸ For the Southern Kordofan and Blue Nile regions, the goal was to create federal, secular autonomous states in the sense of a government from the people and not outsiders. The mechanism should be the popular consultation, which is based on the elections and then a state assembly who gets a second chance to negotiate the Agreement with a post election central government. The Southern Kordofan and Blue Nile protocol is not final until it is fully endorsed by the elected assembly (Matus, 2008).

that the National Congress Party obviously does not want) (Van der Laan, 2008). Therefore, the ones government in Khartoum know they will have to reach some kind of deal with the SPLM for the elections. It is also true that the SPLM is aware of this situation and can somehow push the implementation of the Comprehensive Peace Agreement to the limits according to its interests. On the other hand, the National Congress Party government has already frequently proven to be, by definition, incapable of representing anyone else but the elite in power and incapable of making anything attractive, including unity in Sudan (Van der Laan, 2008). In fact, internal problems stalemates at the political level have already been experienced in the still short period of uncertain peace in Sudan. In October 2007, for example, the SPLM decided to withdraw from the national government and decided not to operate within the framework of the Comprehensive Peace Agreement until January 2008⁶⁹. According to the Southern leaders, there were demands of the Southerners that had not yet been met by the NPC government in the implementation phase and therefore another strategy had to be adopted to comply with the provisions and guarantees of the Comprehensive Peace Agreement. In this context, the political will of the two peace partners thus appears to be a key element to resolve all the difficulties around the implementation of the Comprehensive Peace Agreement (oil-sharing, Abyei, elections, among other issues) (Pronk, 2007) but external actors will also have to play a strong and constructive role in the persecution of such goals.

In the economic and social areas, and in order to attempt to tackle the fundamental and deep-rooted socio-economic problems of the South, the Comprehensive Peace

⁶⁹ According to some analysts, one of the positive aspect of last years' political crisis is that the National Congress Party realised it cannot take the SPLM for granted as an opposition political party.

Agreement includes an [apparently] solid and comprehensive protocol on wealth sharing. The wealth-sharing protocol is based on the principles of a just and sustainable peacebuilding process, non-discrimination and dignity of all peoples, and foresees the fundamental arrangements for equitable sharing the common revenues of oil and other national resources, such as land (Iyob and Khadiagala, 2006: 123). On the issue of wealth sharing, the protocol states that the equitable division of wealth should be the basis of any comprehensive Agreement, aimed at ensuring a just and durable peace in the country. Such an endeavour should then stimulate and contribute to significant changes aimed at improving the quality of life, dignity and living conditions of all citizens without discrimination of any kind. In order to achieve such fundamental goals, priorities are defined at the level of (re)construction of Southern regions to the same level of socio-economic and public standards as the Northern states, by building local institutional, human and economic capacity, infrastructures and stimulating even and sustainable economic development. Concerning the specific development and reconstruction provisions, the Comprehensive Peace Agreement follows the same line and spirit of the vague 2002 Machakos Protocol, namely through the decentralization of power, with power-sharing at state level in North and South including opposition forces, as well as equitable sharing of wealth, bringing Southern Sudan and other war-affected areas up to the level of Northern states with the revenue from oil reserves in South Sudan being distributed equally between the National Government and Northern states, and the Government of South Sudan (Obe, 2008: 12). There were various modalities⁷⁰ defined to ensure these goals: a Southern Sudan Reconstruction and Development

⁷⁰ For further and detailed information on the modalities of implementation of the wealth-sharing Protocol, please see pages 173-206 of annex VIII.

Fund (SSRDF) to solicit, raise and collect domestic and international funds for reconstruction and rehabilitation of the South, for the resettlement and reintegration of the refugees and displaced and to address past imbalances in regional development and infrastructure (Comprehensive Peace Agreement, 2005: 61 § 15.1); a National Reconstruction and Development Fund (NRDF), established by the Treasury to develop the war affected areas and the least affected areas outside Southern Sudan (Comprehensive Peace Agreement, 2005: 61 § 15.4), and two Multi-Donor Trust Funds aimed at supporting the costs of rehabilitation and reconstruction, capacity building and institutionalisation strengthening (Comprehensive Peace Agreement, 2005: 62 § 15.5). A monitoring and evaluation system⁷¹ was also foreseen and established to ensure accountability, transparency, efficiency, equity and fairness in the use of resources for reconstruction and development. Furthermore, and to ensure transparency and fairness both in regard to the use and allocation of resources and funds to the various regions and the government of Southern Sudan, a Fiscal and Financial Allocation and Monitoring Commissions was also established. As mentioned before, and in order to create and contribute to social and economic development in the South, the main external actors, namely the World Bank, adopted and implemented the Multi Donor Trust Funds⁷². The Multi-Donor Trust Funds were a creation of the World Bank as a way to materialize its increased focus on eradication of poverty in Sub-Saharan Africa⁷³ and were also implemented in Sudan.

⁷¹ Such a system was materialized in the Assessment and Evaluation Commission, which was already designed and created within the guarantees of the 2002 Machakos Protocol.

⁷² For information on the structure of the Multi Donor Trust Funds please see Annex III.

⁷³ These Funds were also an attempt to contradict the many criticism to the World Bank's traditional approach of dictating and imposing conditions contrary to the principles of sustainable development, which should be people-centred, responsive and participatory. The goal was to guarantee that sustainable poverty elimination would be achieved only if external support focuses on what matters to people, understands the differences between groups of people and works with them in a way that is congruent with their current development strategies, social environment and ability to adapt. It also

According to the Comprehensive Peace Agreement there were to be two Multi Donor Trust Funds, one for the government of Sudan and another for the government of Southern Sudan. These Multi Donor Trust Funds aimed at immediately supporting priority areas of capacity building and institutional strengthening as well as development programmes. The Comprehensive Peace Agreement gave the Multi Donor Trust Funds the responsibility and the right to solicit, raise, collect and manage funds from the Sudanese government and other foreign donors. Since Sudan is still a country that does not yet allow for bilateral cooperation, because there is not yet a clear and established political and administrative situation, the Multi Donor Trust Funds were –and still are- an attempt to create a procedure through which the government in Sudan deals with only one partner, in this case the World Bank (Soares, 2008). For example, according to the Comprehensive Peace Agreement, the flow of foreign funds for Southern Sudan would be disbursed through a special account at the Bank of Southern Sudan and attributed to the Southern government⁷⁴. The Multi Donor Trust Funds are linked to several programs and projects such as investment in social areas, community development funds, livestock projects, decentralization projects, agricultural extension services, etc. The main goal is to push up for governmental involvement through pro-peace and pro-poor funds in order to address socio-economic and regional disparities and to harmonize and balance the various development projects and funding (Soares, 2008). According to a World Bank officer in Khartoum, the advantage of the Multi Donor Trust Funds is

means that poor people themselves must be the key actors in identifying and addressing development priorities and outsiders need processes that enable them to listen and respond to the poor (Lupai, 2007).

⁷⁴ Nevertheless, and although the ownership of the Multi Donor Trust Funds for Southern Sudan was with the government of Southern Sudan the World Bank seemed to have taken hold of them (Lupai, 2007).

the inclusion of a principle, although a bit vague since it is not written anywhere, according to which the budget would consist of one third of funds provided by external donor and two thirds provided by the local governments. This basically means that the great part of the burden is on the government and should be directed to priority social areas. In this sense, and since the focus should be on primary services, such as health, education or agriculture, through governmental investment and support you tend to break the monopoly of the government and other political and economic elites in certain areas, somehow contributing to tackle the root causes of poverty, underdevelopment and violence (Soares, 2008). In the South, the choice was for a program approach because there were no partners and no institutions with whom to work with in terms of implementation of projects. On the other hand, in the North there was a project approach, targeting social and economic priority areas, such as agriculture, in the various areas affected by the war, such as Nuba Mountains, Blue Nile and even the East⁷⁵ (Soares, 2008). It is important to underline that these are not funds from the World Bank but primarily governmental and donor funds which are managed by the World Bank⁷⁶. Therefore, the main problem of these funds is inevitably the lack of political will by the government to define and implement development and/or reconstruction projects and programs (Soares, 2008). According to the First Progress report of the Multi Donor Trust Funds

As of December 31, 2005, twelve donors had pledged \$558.5 million to the MDTFs for 2005-2007. Donor commitments (formalized

⁷⁵ The Darfur is out of these projects since the goal was to define a specific reconstruction programme for the region.

⁷⁶ One of the reasons why the Multi Donor Trust Funds are managed by the World Bank is because there was to be a clear separation between humanitarian and reconstruction programs and development projects (the latter would be the task of the World Bank) (Soares, 2008).

through signed Administration Agreements) stood at \$494.7 million. Of this, pledges for the MDTF-N amount to \$194.2 million, with donor commitments at \$188 million. For the MDTF-S, pledges total \$304.4 million, with \$306.3 million in commitments. In terms of deposits (actual paid-in amounts), \$49.8 million has been paid into the MDTF-National and \$100.7 million paid into the MDTF-South. (Sudan Multidonor Trust Funds First Progress Report, 2005: 14)⁷⁷

As noted in the first Progress Report, the Multi Donor Trust Funds were set up relatively quickly (4 months elapsed time from Oslo to the first funds paid in). By December 2006, nearly 90 percent of the funds pledged in Oslo were firmly committed by donors through Administration Agreements. Of the cash-paid into the funds, an average of 67 percent has been committed to projects approved by the Oversight Committees to date (79 percent for the Multi Donor Trust Fund-North and 60 percent for the Multi Donor Trust Fund-South). Of those Multi Donor Trust Funds project commitments, disbursements have been picking up and represented 35 percent of grant commitments at end of December 2006 (Sudan Multidonor Trust Funds Second Progress Report, 2006: 2-3). Details can be found in the tables below:

⁷⁷ So far, the Netherlands has been the largest donor to the Multi Donor Trust Funds, with 38% of the total commitments (\$185 million). Norway, the UK, and the EC were the next three largest donors, with 21%, 18%, and 12% of total commitments, respectively. In addition to donors (Sweden, Denmark, Iceland, Greece, Germany) who have already committed or are in the process of committing funds to the Multi Donor Trust Funds, other donors have expressed interest in participating. A non-traditional donor, Saudi Arabia, also pledged \$50 million to the Multi Donor Trust Funds after the Oslo Conference. The World Bank has recently committed \$10 million from its net income to the Sudan Multi Donor Trust Funds for 2006 (Sudan Multidonor Trust Funds First Progress Report, 2005: 15).

Table 1: MDTF – N: Pledges, Commitments and Deposits, 2005-2007

(as of December 31, 2005)

Donor	2005-07	2005	2005	2006	2007	2005-07
	Total Pledge*	MDTF-N Pledge	Deposited	Committed	Committed	Total
Netherlands	195.0	22.8	23.4	35.1	33.8	92.3
Norway	100.0	**	11.2	12.8	12.5	36.5
UK	80.7	12.3	11.8	15.4	15.4	42.6
EC	45.5	6.5				0.0
Sweden	28.6	1.4	3.4	4.2	4.2	11.8
Denmark	15.0	2.0				0.0
Finland	12.0	0.0				0.0
Iceland	0.5	0.0	0.0	0.1	0.1	0.2
Greece	0.06		0.06			0.1
Germany	26.0	13.0				0.0
Italy	5.2	2.6				0.0
Total (Oslo)	508.5	60.6	49.8	67.6	66.0	183.4
Post Oslo						
World Bank				5.0		
Saudi Arabia	50.0					
Grand Total	558.5		49.8	72.6	66.0	188.4
<i>Cumulative Commitment Authority</i>			<i>49.8</i>	<i>122.4</i>	<i>188.4</i>	

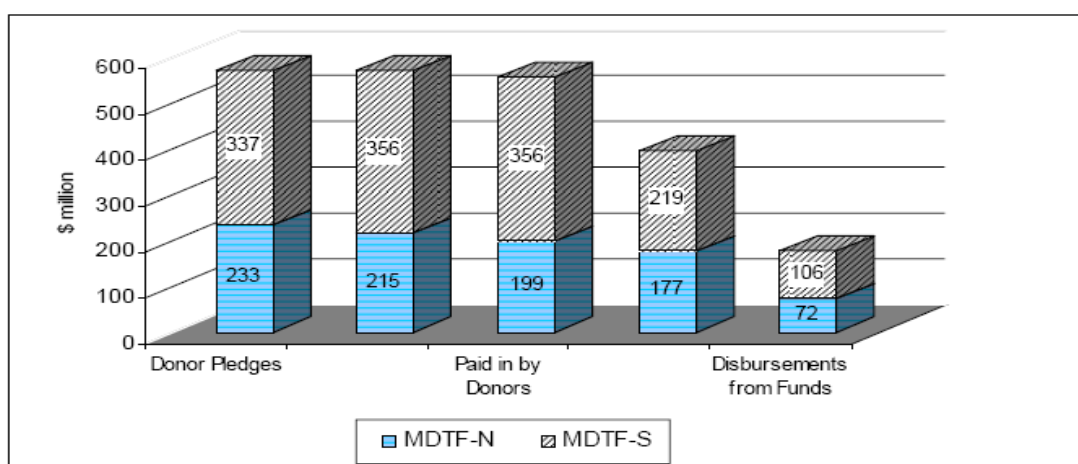
* Total MDTFs combined pledged at Oslo at April 2005 exchange rates.

**Norway did not disaggregate MDTF-NS and MDTF-SS.

NB: "Paid In" and "Committed" means Administrative Agreement signed.

Source: Sudan Multi Donor Trust Funds First Progress Report (July 1- December, 2005).
Khartoum/Juba: Multi Donor Trust Fund – National Technical Secretariat The World Bank. February 26, 2006.

Figure 1: Funding and Disbursement Status for the MDTF-N and MDTF-S (December 31, 2007)



Source: Sudan Multi-Donor Trust Funds, Third Progress Report (January 1-December 31, 2007).
Khartoum/Juba: Multi Donor Trust Fund – National Technical Secretariat The World Bank. April 23, 2008.

Table 2: MDTF-S: Pledges, Commitments and Deposits, 2005-2007

(as of December 31, 2005)

	2005-07	2005	2005	2006	2007	2005-07
Donor	Total Pledge*	MDTF-S Pledge	Deposited	Committed	Committed	Total
Netherlands	195.0	22.8	23.4	35.1	33.8	92.3
Norway	100.0	**	20.3	23.7	23.2	67.2
UK	80.7	12.3	11.8	15.4	15.4	42.6
EC	45.5	39.9	28.2	28.2		56.4
Sweden	28.6	5.2	6.3	7.8	7.8	21.9
Denmark	15.0	2.0	6.2	0.0		6.2
Finland	12.0	6.0	4.4	4.8	5.2	14.4
Iceland	0.5	0.1	0.1	0.1	0.1	0.3
Greece	0.06					0.0
Germany	26.0	13.0				0.0
Italy	5.2	2.6				0.0
Total (Oslo)	508.5	103.9	100.7	115.1	85.5	301.3
Post Oslo						
World Bank				5.0		
Saudi Arabia	50.0					
Grand Total	558.5	103.9	100.7	120.1	85.5	306.3
<i>Cumulative Commitment Authority</i>			<i>100.7</i>	<i>220.8</i>	<i>306.2</i>	

* Total MDTFs combined pledged at Oslo at April 2005 exchange rates.

**Norway did not disaggregate MDTF-NS and MDTF-SS.

NB: "Paid In" and "Committed" means Administrative Agreement signed.

Source: Sudan Multi Donor Trust Funds First Progress Report (July 1- December, 2005). Khartoum/Juba: Multi Donor Trust Fund – National Technical Secretariat The World Bank. February 26, 2006.

Table 3: Total Investments for Projects Supported by MDTF-N and MDTF-S in Phase 1 (December 31, 2007)

JAM Cluster	MDTF-N and GoNU		MDTF-S and GoSS	
	\$m	percent	\$m	percent
Cap. Bldg/Inst. Development	5.7	1.1	32.2	7.9
Governance/Rule of Law	18.0	3.3	15.9	3.9
Economic Policy	145.2	26.7	15.0	3.7
Productive Sectors	27.7	5.1	40.0	9.9
Basic Social. Services	117.1	21.5	116.7	28.8
Infrastructure	142.2	26.2	180.2	44.5
Livelihoods	0	0	0	0
Information /Statistics.	87.6	16.1	5.3	1.3
Total	543.5	100.0	405.2	100.0

Note: Grant agreements have been signed for all the projects included in this table. Investment plan represent totals of Government commitments and MDTF allocations. Some totals appear incorrec because of rounding. The classification of projects uses the cluster classifications in the JAM report.

Source: Sudan Multi-Donor Trust Funds, Third Progress Report (January 1-December 31, 2007). Khartoum/Juba: Multi Donor Trust Fund – National Technical Secretariat The World Bank. April 23, 2008.

As mentioned in the 2007 assessment report, the implementation of Multi Donor Trust Funds projects has taken place in a difficult and unfamiliar context for both the Governments and the Multi Donor Trust Funds Technical Secretariats. In fact, it is clearly stated that

The key constraints relate both to process and substance. The process issues related to the need for the Technical Secretariats (managed by the World Bank) not to be involved in the design, preparation and implementation of projects if they were also subsequently responsible for appraisal and supervision. The substantive issues revolved around different policies and standards used by the Bank and the United Nations with respect to procurement, financial management and institutional reform, and the unfamiliarity of the Governments with Bank policies, procedures and standards. (Sudan Multidonor Trust Funds Third Progress Report, 2007: 29)

The three main pillars of the Comprehensive Peace Agreement thus consist of trying to make unity attractive during the interim period, through the establishment of new political, economic, social and legal structures, the establishment of a democratic Sudan through general elections and the right to self determination for the people of Southern Sudan. These principles require the SPLM and the allies who converted to the Comprehensive Peace Agreement's principles to respect and implement them (Yoh, 2008). The Comprehensive Peace Agreement stipulates that general elections must aim at establishing a democratic and transformed Sudan, where a peace agenda should be worked for in the whole country. In this scenario, one of the objectives of the UNMIS⁷⁸ has been to make unity the most attractive option for the people of Southern Sudan, because as soon as you get separation you may get two problems:

⁷⁸ In the Sudanese context, the political sphere is the UNMS' sustaining pillar since it is within this sphere that the SPLM must satisfy the interests of the Southern region, including in the national decision-making process. It is also at the political level that the declared most sensitive issues not included in the Comprehensive Peace Agreement will be discussed (border demarcation in the oil-rich areas) (Ide, 2009: 12).

first, not everybody will accept separation; second, and according to some Sudanese academics, if secession wins, the South will probably face itself with a lack of the necessary internal conditions to guarantee development and peace. There will be grievances and problems, and the South - which is a land-lock and will have to compromise with other countries and regions- will probably never be economically viable, although it has the resources, especially oil (Interviewee 4).

Furthermore, the government of Southern Sudan is now threatened by severe problems including cash-shortages and growing tensions among the population and according to some Southerners these problems have been exacerbated after the Comprehensive Peace Agreement and mostly fed by the national ruling party, which appears to be determined to see the South fail (McCrumen, 2009). According to John Prendergast, such incidents and structural problems are indicative of the ruling party's intention - through the use of proxy-armed militias to destabilize the region- to sabotage the referendum in 2011 (McCrumen, 2009) that will determine unity or secession of the South. But there are also responsibilities being attributed to the Southern government itself, increasingly accused of corruption and disinvestments⁷⁹. Peace agreements should, then, be reconceptualised in a way that enable every element of the multinational Sudanese society to come to terms with both the grievances of the past and the promises of the future (Iyob and Khadiagala, 2006:

⁷⁹ Therefore, the 2010 elections and the political results in terms of organization of the government are seen as the crucial and the most important issue in Sudan's current scenario, since these may well be decisive for the result of the referendum in 2011. If the SPLM gets important seats and power, secession may be postponed or paused; if not, secession will be, according to many, the natural outcome. Still concerning this issue, however, the perspectives are not very optimistic since the elections will no longer take place in 2009 – and as planned in the Comprehensive Peace Agreement- but probably only in early 2010 due to continuous delays on the census process and to disagreements on the composition of the electoral commission and procedures. Such delays and disagreements will certainly affect negatively the persecution of the political goals defined within the post-conflict reconstruction process and ultimately the other dimensions, namely the socio-economic one.

16), something that appears not to have been made possible by the Comprehensive Peace Agreement.

5.3. The Comprehensive Peace Agreement: a critical analysis

The Comprehensive Peace Agreement is undoubtedly a step forward in the struggle for peace in Sudan, but there are still reasons to be sceptical or at least a bit apprehensive about Sudan's peace prospects since it did not lead, in our view, to a real and actual capacity to tackle the root causes of conflict, namely the continuous lack of fulfilment and respect for the economic and social rights of the population, especially in the South. The first reason for continued concern is that both the government based in the North and the SPLM/A, based in the South, have made peace before and then resumed fighting. The feeling of the general population is that the Comprehensive Peace Agreement cannot therefore properly be described as 'comprehensive' in the sense of resolving all the issues between North and South. Despite the strict implementation timetable and deadlines and benchmarks, it still relies overwhelmingly on the goodwill and commitment of the two signatories. The CPA left much to be done between 2005 and 2011, including border demarcation, security sector reform, resource-sharing, a national census, subsequent elections and the referendum. The agreement identified the end points that should be reached but the potential for derailment remains high if either party is, or appears to be, less than fully committed (Ode, 2008: 4). Any peace pact or agreement between them is thus by nature fragile and will definitely require important international support.

Another striking aspect of the Comprehensive Peace Agreement is that there are hardly any clauses aimed at removing the structures of totalitarianism and military

dictatorship that have been in place for so many years and that have been a major source of oppression of the whole population. Related to this and equally controversial is the absence of any provision for human rights accountability, a fact that ends up undermining and questioning the real content and scope of the Agreement, since one of the main causes of the war has actually been the persistent and continued violation of the basic rights of the Southern population, but also the practice of other human rights violations by both parties. In this context, rights continue to be abused and denied, power abused, and the majority of the population marginalized and kept aside from decisions. Therefore, and despite the existence of a formal peace agreement, there is still an urgent need for legislation and legal reform as well as deep rooted and constructive social practices aimed at transforming Sudan into a democratic and plural state, which respects the diversity of its society.

At the same time, and given its ambiguity and fragility in certain aspects, the Comprehensive Peace Agreement has been seen by many actors in the region as a bilateral Agreement between the National Congress Party and the SPLM/A, which has failed to take into account the instances of the many different groups living in the Sudan. Many people emphasised that the title ‘comprehensive’ is highly inappropriate for an Agreement that has been, in practice, so exclusive (Pantuliano, 2006). In fact, as mentioned by Obe

The agreement also appeared to be less than comprehensive in relation to the wider Sudanese public. Although it was signed between the SPLM and the NCP government, its ramifications do not only concern those two groups. It was intended to be a comprehensive agreement for all of Sudan. However, [...] its contents were not widely known or understood by the Sudanese public. The feeling that it was the sole property of the NCP and SPLM might have created a sense of exclusion and alienation for other Sudanese groups. This had

the potential to leave many people feeling unrepresented in the developing peace process and could lead to rejection of the agreement at the time of the elections, or, more worrying, a return to arms by certain groups. (Obe, 2008: 5)

As a result, 'smaller' issues, such as local-level conflict over access to land, have been put aside or dealt with superficially without considering that these can just as likely to provide triggers for a return to conflict as major political disagreements. Managing such local-level conflicts should thus have deserved more attention in the Agreement (Obe, 2008: 4). On the other hand, and according to Jan Pronk, former United Nations' Secretary-General Special Representative to Sudan, the Comprehensive Peace Agreement can actually be considered a very good Agreement, especially because there was a lot of time to negotiate it and because it is actually comprehensive in content. This apparent comprehensiveness, however, does not prevent him from also identifying some problems with the Agreement. First of all, there was some urgency in signing the Agreement since the actors involved – both internal and external- could no longer drag the process; therefore, some essential elements were only discussed in terms of procedure, but not in terms of substance and implementation. The idea was that after the signature, the not yet concluded items would be put in the hands of the President and the Vice-President and the authorities of Southern Sudan also in order to undertake fundamental decisions. The second problem is that any Agreement has to be implemented and institutions must be built in order to guarantee implementation, but in the case of Sudan not all them work and many have not even been created yet.

Despite all these questions and uncertainties, it must be referred that there has been some important follow-up to the Agreement and by October 2005 a new Constitution

had been ratified, a new government took place (52 percent executive posts for the ruling National Congress Party and 28 percent for the SPLM), and South's autonomous legislature and government made operational. A number of institutions have also been established on the basis of the Comprehensive Peace Agreement, such as the Ceasefire Joint Military Committee, the National Petroleum Commission or Assessment and Evaluation Commission, although the latter has been severely undermined and should play a much more active role in the process in the implementation process with the decisive responsibility to evaluate and control the rigorous implementation of the various provisions and protocols, especially in the one concerning wealth-sharing, crucial for the sustainable and equitable development of the war affected areas as well as of the least developed areas.

However, and in this scenario of mixed feelings about the real contribution of the Comprehensive Peace Agreement to sustainable peace in Sudan, one needs to question if the deeper and more structural root causes of the conflict have been tackled in the Agreement in general and in the wealth-sharing protocol in particular, and if the socio-economic plans and guarantees are enough to assure that the Southern population is actually economically and socially included. On this issue, there have been some very pessimistic opinions. Corina Van Der Laan from the Embassy of the Netherlands in Khartoum, for example, argues that although the wealth sharing protocol attempts to actually tackle the root causes of inequality and marginalisation aiming at structurally changing the situation in terms of allocation of resources, the fact is that it is not working properly and it seems not to be enough to guarantee equal inclusion of all. According to this analysis, the national budget has changed dramatically in its structure and the South is not getting enough and is also

not being efficient way in terms of allocation. Furthermore, socio-economic structures are not being built and that is very problematic; in agriculture, for example, people have lost the routine of growing crops and are now extensively depending on food aid⁸⁰. To a certain extent, people rather expect to get a job in the government apparatus than wait for the so-called peace dividends. In principle, the resources are there, but they are not properly spent or distributed. Therefore, the situation is still very problematic and people in general have the feeling that the Comprehensive Peace Agreement is being dragged without actually changing things significantly (Van Der Laan, 2008), when that should have been the main priority. In the view of one of our interviewees

[...] the fulfilment of economic and social rights are crucial for the effective and successful implementation of the Comprehensive Peace Agreement, but there are still huge impediments to it, first of all because there are no real changes on the ground. There are no social services or infrastructures being created in the South, so the population can go back and therefore people are not enjoying any peace dividend at all. (Interviewee 3)

For others, the principles of equity in development, crucial to sustain peace in Sudan, are to a certain extent entrenched in the Comprehensive Peace Agreement but the implementation problems are huge impediments that be attributed mostly to the main parties and the international community, since it is their inaction or lack of political will that helps explain the lack of real practical and considerable results so far. Matus points out several reasons for the delays and the wrong-doings, namely the extensive use of money and resources to pay large, multiple and mostly unnecessary armed forces, the increasing corruption among political forces both in the National

⁸⁰ For some statistic data on this issue, please see annex V.

Congress Party government and the Southern government, the lack of solid statistics and information to measure and highlight inequalities that need to be tackled, the higher costs of working in poorer areas, where roads are lacking and urban or rural areas are isolated and also the lack of skilled human resources in the South (Matus, 2008).

Concerning the Multi Donor Trust Funds, for example, it is clear that the various delays and shortcomings stated above negatively impact the prospects of socio-economic development both in the South and the Northern regions and ultimately undermines the capacity to promote and guarantee the economic and social rights of the population. According to an interviewee working at the United Nations Mission in Sudan, the Multi Donor Trust Funds were a very good idea, but the tool and the timing were also not the most appropriate for the goal of immediate recovery of the infrastructures and for the peace dividends to be given to the population. It was a good plan for long-term development but a bad one to short-term recovery and reconstruction, which was actually – or at least should have been - the main priority. That is why, four years on the line, the population did not really get the peace dividend they should have got. Concerning the international involvement and support, there has also been some neglect on the multilateral approach to donor ship and funding, and a lot of bilateral relations that do not really help in getting a coherent and coordinated approach to post-conflict reconstruction. In fact, and given the still fragile social and economic situation of the region, the President of the government of Southern Sudan already expressed the population's frustrations on the slow progress in the release of the cash from the Multi Donor Trust Funds for the provision of basic services and stated that the government's ambitions and pledges to

achieve the Millennium Development Goals⁸¹ by 2015, are severely compromised, if not impossible to achieve.

All this contributes to a scenario in which infrastructures and basic medical, social and education services, although crucial for sustainable development and peace, are still lacking in the South thus decreasing confidence and expectations on the part of the population. Although there was some concern and thinking about the social and economic dimension, with a recognition that peace should be based on equal development and share of resources, the reality has proved to be much more complex and the results in these priority areas are, in our view, still far from significant and satisfying. In fact, four years after the signature of the Agreement poverty has increased, the rights of the Southerners vis a vis the North – such as right to food, water, health care or education have not yet been fully guaranteed and although formally there is no war, a state of peace is still very questionable since there have also been conflicts within the South, which will persist even if the population chooses to separate.⁸²

⁸¹ These Millennium Development Goals include eradicating extreme poverty and hunger, achieving universal primary education, promoting gender and equality and empowering, reducing child mortality, improving maternal health, combating HIV, malaria and other diseases, ensuring environmental sustainability, developing a global partnership for development. Status of execution and accomplishment of the Millennium Development Goals in Sudan are further explored in the following chapter.

⁸² Across the South there have been massive cattle raids in the past few months, increasing tribal tension. According to some sources, in February 2009 some militiamen from the Lou Nuer tribe have captured an entire town, displacing at least five thousand people. According to local officials, more than 700 people were killed in the accident. According to the same sources, a counter-attack led by the Murle tribe against the Lou Nuer killed more than 250 people last April (McCrummen, 2009). These are only a few examples of how peace is still fragile in Southern Sudan and of how invisible inequalities may actually compromise peace in the region. This issue will be further discussed and analysed in the following chapter.

The following tables and numbers compare the Southern reality with the reality in Khartoum and the wider national picture and are, in our view, illustrative of these disparities⁸³.

	Southern Sudan	Khartoum and Northern Areas	National
Poverty	<p>More than 90% of the population in Southern Sudan currently live on less than 1 dollar a day.⁸⁴</p> <p>Although chronic hunger in Southern Sudan has reduced, it still stands at 13.5%.⁸⁵</p> <p>1.2 million vulnerable people in Southern Sudan are facing food insecurity and are in need of food aid during 2008.</p>	<p>Chronic hunger in Khartoum and Northern Areas stands at 9%.</p>	<p>Countrywide estimates on poverty are in the range of 50-60%. Chronic hunger nationwide stands at 11.3%.</p>
Maternal Mortality	<p>One out of seven women who become pregnant in Southern Sudan will die.⁸⁶</p> <p>Only 10% of all deliveries in Southern Sudan are attended by any skilled personnel.</p>	<p>70% of all deliveries in Khartoum and Northern Areas are attended by any skilled personnel.</p>	<p>49% of all deliveries countrywide are attended by any skilled personnel.</p>
Child Mortality	<p>Although the infant mortality rate in Southern Sudan has decreased, it stands at 102 per 1000 live births.</p> <p>Although the under-five mortality rate has decreased, one out of every 7 child will die before their fifth birthday</p>	<p>The infant mortality rate in Khartoum and Northern Areas stands at 70 per 1000 live births.</p> <p>The under-five mortality rate in Khartoum and Northern Areas stands at 104 per 1000 live births.</p>	<p>Countrywide, the infant mortality rate went down from 143 in 1990 to 83 in 2006.</p> <p>The nationwide under-five mortality stands at 117 per 1000 live births.</p>

⁸³ Additional statistic data is available in annex IV. All data unless referenced are from the Sudan Household Survey (SHHS) 2006

⁸⁴ SSCSE 2004

⁸⁵ Chronic hunger as measured by the prevalence of underweight children under-five years of age, Sudan Household Survey 2006.

⁸⁶ WHO 2008

Immunisation	Southern Sudan has one of the lowest routine immunisation coverage rates in the world. Only 17% of children are fully vaccinated. ⁸⁷	56% of all children in Khartoum and the Northern Areas are fully vaccinated.	41% of all children countrywide are fully vaccinated.
Water and Sanitation	More than 50% of the population in Southern Sudan does not have access to improved drinking water. Only 6.4% of the population use improved sanitation facilities.	42% of the population in Khartoum and the Northern Areas does not have access to improved drinking water. 41% of the population use improved sanitation facilities.	44% of the population countrywide does not have access to improved drinking water. 31% of the population use improved sanitation facilities.
Primary Education	Less than 50% of all children in Southern Sudan receive 5 years of primary school education. While 1.3 million children are enrolled, only 1.9% completes primary school education. 85% of adults in Southern Sudan do not know how to read or write. ⁸⁸	95% of all children in Khartoum and Northern Areas receive 5 years of primary school education. 44% of adults in Khartoum and Northern Areas do not know how to read or write.	90% of all children countrywide receive 5 years of primary school education. 64% of adults countrywide do not know how to read or write.
Gender	92% of women in Southern Sudan cannot read or write. ⁸⁹ Only 27% of girls in Southern Sudan are attending primary school. ⁹⁰ A 15 year old girl has a higher chance of dying in childbirth than completing school.		54% of women nationwide cannot read or write.

Source: Adapted from the United Nations Sudan Information Gateway (<http://www.unsudanig.org/docs/081125%20Comparative%20Scary%20Statistic%20Sudan%20DRAFT.doc>).

⁸⁷ WHO 2008

⁸⁸ Alternative Education Systems Unit in the Ministry of Education (MOEST), UNESCO 2008

⁸⁹ Ibidem

⁹⁰ SSCSE 2004

In terms of implementation of the Comprehensive Peace Agreement in general, there are also some important issues to be considered. In fact, the manner in which this Agreement has been and will continue to be implemented carries enormous consequences for peace prospects in the region and it may be rendered more difficult for two reasons. First of all because a few months after the signature of the Comprehensive Peace Agreement, historical SPLM/A leader and recently nominated Vice-President, John Garang was killed in a helicopter accident, an event which has cast serious doubts on the future viability of the Agreement⁹¹. Secondly, and most importantly, because Khartoum seems to have multiple agendas but one overriding goal which is maintaining power at all costs through a divide and conquer and confuse strategy that has helped keep this isolated government in power for so long (Prendergast, 2005:3).

There is also some fragility associated with the way the terms of the Agreement were negotiated in the first place. In fact, one of the main controversies is that only the two main fighting forces are party to the talks and neither was chosen in free and fair elections. In fact, as some authors put it, this Agreement is seen by many Sudanese groups as no more than a pact between “two dictators”- which they are not obliged to recognize. The main reason for including only the government and the SPLM/A was the recognition of Sudan’s enormous diversity and the associated fear of undermining and bringing the Agreement to a stalemate if all the groups were called to the negotiation table (Rone, 2003). There was, therefore, a deliberate choice to only include the government of Khartoum and the SPLM in the negotiation process.

However, the SPLM/A was not the only movement in the South, since there was also

⁹¹ John Garang was the South’s most charismatic leader and many believed and still believe that his successor and current President of the government of Southern Sudan, Salva Kiir will not be able to maintain and secure the goals and aspirations of the Southern population.

the South Sudan Defence Force⁹² (SSDF), but Garang deliberately chose not to have them on his side of the table because he did not trust them. And this meant that the internal problem within the South was postponed until the signing of the Agreement. Therefore, that can also be a source of instability that has been used and instrumentalised by the government. There are thus some groups that can become spoilers because they were not part of the peace process. Finally, it must be acknowledged that the Comprehensive Peace Agreement in Sudan was clearly and extensively externally driven and that may be also be a substantial implementation problem. In fact, in this matter, although the United Nations Mission in Sudan is willing and wanting to assist and create these conditions to the population, the obstacles are immense since these greatly depend on the resources made available by the international community. In fact, the role of the international community has been important to some extent, namely in putting the issues on the agenda, but it should have been more actively involved in pushing changes forward, especially at the implementation level and in terms of making resources available and effectively allocated. The international community in general– and the UN and the International Financial Institutions in particular- need an approach whereby they can help manage the conflict in the field and at the same time collect and gather the necessary

⁹² The SSDF, under the command of Paulino Matip, represents one of the many armed groups, referred to as Other Armed Groups (OAGs) in the text of the Comprehensive Peace Agreement. Estimated to be between 10,000 and 30,000 fighters at the time of the agreement, the SSDF comprised more than 30 militias that were somehow aligned with the government. Its origins can be traced back to the formation of several key southern militias including the SPLM/A, who formed at the end of the first civil war in 1972. However, differences in goals of self-determination for Southern Sudan led to a split in the SPLM/A and new groups formed including the SPLM/A-United of Riek Machar and Lam Akol, and the Equatorians who formed the Equatorial Defence Force, EDF. These forces collectivised under the organisation of the SSDF with the signing of the Khartoum Agreement in 1997. However, after the Juba Declaration in 2006, the SSDF has become a divided unit with individual groups supporting either the SPLM/A or the GoSS/SAF (AfDevInfo Organisation Database, last visited on June 30, 2009, available at http://www.afdevinfo.com/htmlreports/org/org_55676.html)

resources to improve education, access to water, to land, employment creation, food security, and other priority tasks in the aftermath of conflict. However, and according to some interviewees, the overall international willingness to get actively involved in this type of endeavour is often very limited. One of the interviewees even affirmed that there is not real commitment by the international community, despite the various good intentions being outspoken after the signature of the CPA (Interviewee 2). Another went further and even affirmed

I think the United Nations agencies are not very interested in intervening in failed states or in states in need of substantial economic and social support and reconstruction. They are only able to deal with instability issues; not with economic and social rights needs. (Interviewee 1)

These are several of the areas of concern in the implementation of the Comprehensive Peace Agreement, which relate directly to the lack of understanding and will to actually address the persistent socio-economic problems that have been feeding and accentuating inequality and violence in Sudan (Sudan Consortium, 2006). According to our view, these are crucial issues for future peace in Sudan that have been underestimated in the aftermath of the signature of the Comprehensive Peace Agreement and that illustrate a trend in current studies and strategies in peacebuilding and conflict resolution elsewhere. There is a problem with the Comprehensive Peace Agreement since it is basically a compromise that has been pushed and written mainly by external actors that have been looking at the conflict in very basic and simple terms as well as by elite groups in the North and in the South that have proved to be crucial allies and partners in the solutions implemented. It must be understood that starting a peacebuilding mission in Sudan (and elsewhere)

and not continuing it with resources to meet the consequences of peace and to address the root causes of a renewal of conflict will always be a bad approach.

External actors tend to impose order in contexts of internal disorder and this somehow gives them various degree of legitimacy. This may happen because these are usually contexts in which there is no internal legitimacy nor rule of law or simply because there are clearly hegemonic interests from the part of the intervening actors.

The problem with most peace processes in post-conflict scenarios, however, is that the resulting peace Agreements are almost always about bargaining on political issues and not about other fundamental issues goals, such as the promotion and protection of economic and social rights (Francis, 2007).

In fact, and although the Comprehensive Peace Agreement is seen as an ambitious document in the framework of the long Sudanese peace process since it has, for the first time given the South the economic right to generate its own economic revenue, the reality has proven to be quite different with the social economic aspects of reconstruction being highly neglected or under-resourced.

According to more critical authors, such as Susan Woodward, this somehow reflects a perverse tendency of current peace processes and reconstruction programmes. In Woodward's argument, peace Agreements are often very weak on economic aspects and that is problematic because the success of the first stages of implementation of peace Agreements are often largely dependent on three main economic factors: rapid economic revival to generate confidence in the peace process, adequate funding to implement crucial aspects of the peace agreement, and funding to create and establish government institutions to support the transition period to a peace-time economy and stimulate a sustainable development structure (Woodward, 2002: 2).

In this context, Woodward also identifies five important lessons that have been drawn from experiences in the area of peace implementation and all of them make sense considering and incorporating in our critical analysis of the fragile peace process in Sudan since the entering into force of the Comprehensive Peace Agreement. The first lesson is the need for broad –based impact assessments in terms of the contribution of aid and development projects for sustainable peace. In the absence of such assessments, important adjustments and opportunities to readjust priorities may be missed and compromise the whole peace process in the future. The second lesson consists of an early emphasis on employment. In a post-conflict scenario, peace depends highly on the capacity to create, promote and maintain employment policies that allow the population to have resources and access to basic social and economic services (Woodward, 2002: 2). The neglect of this dimension has been identified in the case of Sudan, especially in the South, where employment opportunities still lack for the majority of the population, thus contradicting expectations of peace dividends and creating frustration that may ultimately lead to tensions and violence. Thirdly, it is important to invest in building institutional and social capital. According to Woodward, traditional post-conflict strategies tend to emphasize macro-economic stability instead, and at the expense of, economic and social infrastructures, often ignoring that in such precarious and fragile scenarios, the institutions are either lacking or weak (Woodward, 2002: 2). Priority should thus be given for the creation and reinforcement of such institutions and capacity at the local level. The fourth lesson is awareness that donor decisions about whom to assist and what projects and areas to fund have lasting political impacts (Woodward, 2002: 2) and these impacts should thus be consciously assessed. The fifth and final lesson

pointed out is that international presence tends to introduce significant economic distortions (Woodward, 2002: 2) that may not be the most appropriate or necessary and may end up compromising the prospects of sustainable peace and development.

Despite the importance international attention and support in peacebuilding processes, specifically in the case of Sudan, it is important to guarantee that opening the way to external investors does not lead to an uncritical embracing of the neo-liberal development strategies that regard the state as an obstacle rather than a facilitator of development (Samasuwo and Ajulu, 2006). It is therefore crucial that governments and political leaders understand that the main priority must be the protection of the interests and rights of the population.

In the context of Sudan, the political will of the two peace partners thus appears to be a key element to resolve all the difficulties around the implementation of the Comprehensive Peace Agreement (oil-sharing, Abyei, elections, among other issues), although external actors will also have to play a stronger and more constructive and conscious role in the persecution of such goals.

The signing of the Comprehensive Peace Agreement in 2005 was considered a landmark moment in the long and tortuous peace process in Sudan. Of course it been acknowledged that this was not the first time that an agreement had been signed and ignored, but after such a long and devastating war, it seemed that the grievances of the Southern populations had finally been dully acknowledged, opening the way for a real and effective resolution of the conflict (Iyob and Khadiagala, 2006: 61). However, and although the Comprehensive Peace Agreement did help to formally put and end to the formal state of war between the Sudanese government and the

Southern rebels, the truth is that country became – somehow paradoxically- merged into conflicts and violence in the Western⁹³ and the Eastern⁹⁴ parts of the country.

In this turbulent scenario, implementing Sudan's complex, six-year transition Agreement may well be far more difficult than negotiating it. There is ample evidence that Sudan's government and the SPLM/A may be less than fully committed to the Agreement, having signed it partly to avoid blame for a breakdown of the peace process, and partly to seize the opportunities they were expected to enjoy during the prolonged transition phase (Crocker and Crocker, 2004). On another tone, Peter Woodward has also been very critical of how the peace process, which has culminated with the peace agreement in 2005, has been conducted in Sudan. He argues that

There are worries that perhaps the whole process was one imposed on Sudan by the international community [...]. The danger might lie in the parties feeling a lack of ownership of the Agreement, and with the international community turned away, one or another of the signatories might seek to disown aspects of it and pursue a different course of action. (Woodward, 2004 apud Iyob and Khadiagala, 2006: 125)

⁹³ The peace process in Naivasha between the government and Southern rebels, sponsored by the Intergovernmental Authority on Development, may have played a significant role in the emergence of the conflict in Darfur, since the protocols on autonomy and power and wealth sharing with the SPLM/A may have worked as catalysers of revolt and hope within other rebel movements in the country (Ferreira, 2005: 40). It must be reminded that it was internal tensions of the regime and divisions within SPLM/A that somehow motivated the emergence of other anti-governmental movements in Darfur. In fact, the Justice and Equality Movement has historical ties with the Islamic regime but the Sudan Liberation Army is linked to the SPLM/A which had already, although unsuccessfully, tried to expand its movement to Darfur in 1990 (Ferreira, 2005: 40).

⁹⁴ Darfur may well be not an isolated case in the immense Sudanese territory, since the regime's discriminatory policies have contributed to a reinforcement of other rebel movements. In the East, the Beja and the Raschaida tribes have also complained about continuous economic marginalization and cultural suppression for a long time and have recently resorted to violence to contest the policy of neglect implemented by the government, demanding a more equal distribution of the country's resources. Eastern Sudan is especially rich in oil, gold and fertile land, also having good access to the main ports in the Red Sea and to the many of the pipelines that cross the country coming from the South. The Beja Congress is leading this opposition and is a political organisation created in 1985 to represent the biggest tribal group in the region, the Beja. In 2005, the Congress was associated to a smaller insurgent group know as Rashaida Free Lions. The Beja Congress, the SLA and the SPLM/A are part of the National Democratic Alliance (NDA), which congregates a platform of dozens of opposition movements to the regime, of various regions (Ferreira, 2005: 41).

In fact, and similarly to what happened during the conflict, external presence and mediation also shaped the North-South peace process in ways that somehow redefined the objectives of the Southern rebels and of the government of Sudan during the negotiations (Iyob and Khadiagala, 2006: 14).

It is true that the international community has been quite a lot involved in the peace negotiations that led to the Comprehensive Peace Agreement, financing the meetings and pushing the Agreement's provisions forward, especially during the negotiations (Interviewee 4). According to many voices in the field, without this involvement there would probably be no agreement at all (Interviewee 6). However, in the implementation process the role is not being very active and that has contributed to a certain extent, to a loss of momentum for real change towards comprehensive and sustainable peace in Sudan.

According to some more pessimistic specialists, the external actors involved in the peace process have failed a lot in their responsibilities. Furthermore, the international community has proved to be very much divided in Sudan and the diversion of attention to the Darfur problem is not helping either, since it is actually undermining the effective and timely implementation of the Comprehensive Peace Agreement. Adding to that, one may argue that there are three other problems with the implementation in the South, namely the lack of accountability and a local basket of power to the government of South Sudan, the diversion of funding and increasing corruption in the private and governmental sector, and finally – and most important-, the lack of a real and sustainable recovery plan for the South (Interviewee 6) dully supported by the international community and the Sudanese authorities. In this sense, and since the parties succumbed significantly to external pressure, the success of the

Agreement, and ultimately of peace in the whole country, will depend not only on the respect for the Agreement the Sudanese but also on sustained and continued international attention. Furthermore, the Comprehensive Peace Agreement can only be a source of peace and economic development and equality if and when there is good will on the part of the Northern government. According to many interviewees, however, it does not at all seem interested in implementing the Comprehensive Peace Agreement, being solely interested in buying time and disarming the SPLA.

Despite the breakthrough achieved with the signature of the Comprehensive Peace Agreement in 2005 it is still too early to determine if it can in fact be the basis of the transformation that Sudan demands and needs. As El-Battahani puts it, peace processes are a product of politics, and the Comprehensive Peace Agreement and the interim Constitution can be seen as a product of the government's need to bring a powerful rival into its coalition, while dealing with other rivals within other peace Agreements and negotiations (El-Battahani, 2006: 13). For many authors and researchers in this area, it thus became even more urgent at this point to examine the gap between the official discourse of peace and the unofficial pursuit of war. According to Iyob and Khadiagala, one must look beyond the signing of proclamations to the hidden socio-historical and political factors that militate against the achievement of peace as a reality rather than as a distant mirage (Iyob and Khadiagala, 2006: 13).

5.4. Chapter conclusions

As it has become clear from the previous analysis, economic marginalization and neglect are at the root causes of the violent conflicts throughout the Sudan, namely of

the North-South conflict. Ever since the Machakos Protocol in July 2002 there have been some signs of important development in some areas of the South and there is actually great potential for further development and peace, especially in the areas controlled and governed by the structures of the SPLA/M. However, in Northern and government-controlled areas, this development is less evident, due to too a clear lack of will as well as to much bureaucracy and obstacles limiting people's access to resources and full participation in the political, social and economic life of the country. Therefore, some of the priorities to resolve conflict and rebuild the country – and especially the South- should be more peace, more rights and less poverty. Less poverty, in particular, to give people the feeling that there are prospects for improvement and also address political and socio-economic marginalization and inequalities. This would require that both the Northern and Southern governments spend their own resources in a fair manner toward poverty reduction and regional development and toward transparency and good economic governance instruments. Such a priority certainly implies the inclusion of human rights guarantees, and demands an holistic and comprehensive approach to conflict resolution and peace building.

The 2005 peace Agreement does include a language that talks about citizenship rights and equality of rights, but the question is if the structures of government are really in place, allowing citizens to participate and enjoy those rights. The evaluation until now does not seem to be very optimistic.

In fact, the picture of Southern Sudan today is one of clear underdevelopment and poverty. While some pockets – like the regional capital of Juba and the biggest towns of Rumbek and Wau- have experienced a small economic revival since the signing of

the Comprehensive Peace Agreement, the majority of the South remains mired in abject poverty

Locals live in meager huts, eating peanuts with perch fished out of the contaminated Nile. There is no electricity. A Swiss charity provides healthcare. An American aid group flies in food and mosquito nets. Most children do not go to school. There is no work to be found. (Harman, 2007)

According to Harman, the pictures of underdevelopment are not unusual in the South. Furthermore, the lack of funds and human and civil resources is also an obstacle to a proper and sustainable reconstruction and development process

There are also issues related to the money given by the international community and that is not coming in. After the death of John Garang many countries stopped giving or limited the contributions and that money could be crucial to be used for development, reconstruction, infrastructure. Another thing that obstacles the proper development and reconstruction process is the lack of local human resources, civil resources and technocrats that are not there. So, it's difficult to make real progress. (Interviewee 4)

In fact, the bulk of the services in the South are held by international staff or ex-soldiers who don't know anything about development, reconstruction or planning (Interviewee 4). Concerning the international presence, it is also our perspective that this has not been working as a factor aimed at helping the economic and social rights agenda become a priority in terms of Southern peace and reconstruction. In the particular case of the UNMIS, for example, the objectives have been focused more specifically on supporting the parties in the implementation of the Comprehensive Peace Agreement, on coordinating the voluntary return of the refugees and displaced, and on guaranteeing security arrangements, as well as the demilitarisation, demobilization and reintegration programmes (Ide, 2009: 11). Reality in the South

does not yet show significant impact and/or change on the lives of the population since basic services, infrastructure, economic and employment opportunities have not been provided. Therefore, at the community level, no significant amelioration of the living conditions has been achieved and the well-funded expectations of the population have clearly not been met (Sudan Consortium, 2006). To a certain extent, these limitations and shortcomings reflect the criticism to which the liberal tradition⁹⁵ of dominant peacebuilding and conflict resolutions strategies and models being applied, also at the economic level, has been subjected. According to Roland Paris, this type of missions do not pay sufficient attention to the longer term need to build the kinds of institutions that are required in order to underpin a functioning market democracy and will ultimately experience mixed results and failures⁹⁶ (Menocal and Kilpatrick, 2005: 773). As he argues

[I]nternational efforts to transform war-shattered states have, in a number of cases, inadvertently exacerbated societal tensions or reproduced conditions that historically fuelled violence in those countries. The very strategies that peacebuilders have employed to consolidate peace – political and economic liberalization – seem paradoxically, to have increased the likelihood of renewed violence in several of those states. (Paris, 2004: 6)

As an alternative he defends what he calls the ‘institutionalisation before liberalisation’ thesis, which would respond to the immediate post-conflict needs and minimise the destabilising effects of liberalisation. According to this thesis

[...] what is needed in the immediate post-conflict phase is not quick

⁹⁵ As mentioned before, in the political realm liberalisation means democratisation and the promotion of elections and respect for basic civil and political liberties, whereas in the economic realm, it implies a movement towards a market-oriented economy (Paris, 2004: 5).

⁹⁶ His fundamental criticism is based on the premise that democratisation and marketisation are inherently tumultuous transformations that have the potential to undermine an already fragile peace (Paris, 2004: 7).

elections or economic ‘shock therapy’ but a more controlled and gradual approach to liberalisation, combined with the immediate building of governmental institutions that can manage these political and economic reforms⁹⁷. (Paris, 2004: 7-8)

To conclude, what comes clear from this analysis is that peace agreements in general and the Comprehensive Peace Agreement in particular, tend to pay way less attention to sustainable socio-economic reconstruction than to political, justice and security arrangements (Woodward, 2002: 3) and that may not be the most effective approach to peace and conflict resolution, especially in contexts where conflict was to a large extent fed and aggravated by deep socio-economic disparities and inequalities, such as the case of Sudan. In fact, economic conditions tend to worsen in the aftermath of conflict and growing inequalities and hardship may indeed compromise stability and peace (Woodward, 2002: 3), in the absence of a sustainable, coherent and realistic socio-economic recovery plan based on the fulfilment of the basic economic and social rights of the population.

Current economic strategies do not focus directly on the above-mentioned tasks of revitalizing economy and building the economic foundations for peace, and are even frequently in contradiction with such priorities (Woodward, 2002: 3). In the socio-economic sphere, Paris also argues that economic reforms proposed within the liberalisation project may actually worsen income inequalities and can ultimately work against the consolidation of peace in countries with a history of civil violence arising from distributional grievances (Paris, 2004: 204)⁹⁸. This has clearly been the

⁹⁷ The main elements of this strategy include: postponing elections until moderate political parties have been created, designing electoral rules that reward moderation instead of extremism, encouraging the development of civil society organisations that cut across lines of social conflict, promoting economic reforms that moderate social tensions, developing effective security institutions and a neutral and professional bureaucracy (Paris, 2004: 188).

⁹⁸ According to Paris, however, and contrary to the assertions of the World Bank and the International

case of the Sudanese peace process. The international involvement in the Sudanese peace process – as in many others- has mainly been characterized by a strong emphasis on the civil and political dimensions of rights and priorities when it comes to peace and reconstruction. Democracy, elections, equal political participation and political institutions to support the democratic process have clearly been the main goals when it comes to conflict resolution and peacebuilding. However, the Sudanese conflict and post-conflict experiences also tell us that such goals prove to be void and ineffective if defined in the absence of a clear definition of the main socio-economic priorities, according to the identified root-causes of a conflict. Despite the adoption of important protocols on wealth-sharing and economic priorities, the implementation phase shows us that the development programs lack a clear understanding of the role socio-economic inequalities play in conflict and violence, resulting in a scenario where the need to promote and respect the fundamental economic and social rights of the Sudanese population has not yet been fully acknowledged, let alone accomplished.

Although many claim that the Comprehensive Peace Agreement is a landmark Agreement for the simple reason that it stopped the war, the truth is that the crucial part of equitable socio-economic reconstruction and development is still far from happening since there are few if any perspectives of improvement in access to education, social, health or housing services. It thus seems that a lot was invested in the peace, but very little is being invested in the follow-up to the peace. Managing these problems and limitations in the context of peacebuilding [and conflict resolution] therefore requires reordering funding priorities and redirecting some of

Monetary Fund, doing more to promote income equity in such countries need not to involve a trade-off with economic growth (Paris, 2004: 204).

the external (and internal) resources away from traditional adjustment projects in order to provide expanded support to redistributive programs such as safety net funds, public education and health care services and job-creation programs (Paris, 2004: 205). In such circumstances, the crucial element to prevent the resumption of violent armed conflict is to build political and economic confidence in a way that guarantees that every community and every group enjoy equal opportunities. This will ultimately lead to the institutionalisation of power-sharing mechanisms and mechanisms for the transfer of development resources from the centre to the peripheries, thus ensuring equity in their allocation and providing resources for the basic human needs, such as education, health care and employment (Nhema and Zeleza, 2008: 72).

In sum, a sustainable development and peace agenda should be based on the existence of a political leadership and a civil society both committed to sustainable social and economic transformation and growth and with the capacity to stand above the demands of specific groups, fulfilling the demands of the general population, in terms of their civil, political, economic, social and cultural rights.

“In today’s increasingly interconnected world, the ‘haves’ cannot ignore the suffering of the ‘have-nots’. Whether or not we choose to care, we cannot pretend that we do not see.”

(Brainard and Chollet, 2007: 1)

6. RENDERING INVISIBILITIES VISIBLE IN SOUTHERN SUDAN: ADDRESSING COMPLEX INEQUALITIES AS A CRUCIAL STEP FOR PEACE

6.1. Introduction

From the previous analysis, it becomes clear that a deeply unbalanced development has been one of the most important causes of the Sudanese North-South conflict and that the conflict itself contributed to the exacerbation of such unbalances, directly affecting the population and aggravating poverty among the Southern populations. It has also become clear that the traditional and dominant models to resolve conflicts and build peace, with their limited agenda and priorities, have tended to obscure much more complex dynamics and inequalities that have sustained and reproduced conflict.

Throughout the years, several attempts to negotiate agreements and end violence have been put in place in Sudan in an attempt to stimulate peace. According to our analysis, however, these peace strategies have been and, to a large extent, still are based on general and flawed assumptions that end up reproducing and perpetuating more invisible and complex group inequalities in Sudan and that render peace in Southern Sudan extremely fragile. In this context, and since the deep socio-economic inequalities and harsh living conditions of the population have not always been considered and addressed in prevention and peacebuilding strategies, it is part of our argument that unresolved disputes and patterns of exclusion seriously undermine the implementation of the 2005 Comprehensive Peace Agreement.

In this chapter, and drawing from a more accurate analysis of the Sudanese post-conflict reality and challenges, we aim to argue that effective and sustainable peace

strategies imply recognising and addressing the more complex - and often invisible - inequalities at stake, suggesting the need for deconstructing simplistic views of ethnicity, religion and of the multiple actors involved in the violent conflict. Despite the common tendency to describe Sudan's conflicts in simplified terms - North versus South, Arab versus African, Muslim versus Christians-, the North-South conflict was rather one part of a broader web of conflicts involving competing claims to land, water, social and economic rights, political power and cultural identity by various, shifting groups⁹⁹ (Simmons and Dixon, 2006).

Furthermore, Sudan's civil war drove hundreds of thousands of people from their homes to encroach on others' resources, often sparking conflicts also within and between Southern communities¹⁰⁰. At the same time, traditional methods of governance and arbitration of communal disputes were severely weakened and progressively abandoned (Murphy, 2005: 36). According to the very lucid perspective of the Sudanese reality by a consultant of the 'Three Areas', the main root causes of the North-South conflict are not at all about ethnic, religious or cultural differences, but mainly structural and deeper causes of economic and social neglect and inequality among the Sudanese population (Abdelgadir, 2008).

As shown before, the economic [and social] development of the various Sudanese regions has been uneven since at least the colonial era, but post-independence regimes have deepened existing regional disparities and marginalisation, by favouring Northern regions and elites when allocating development policies and

⁹⁹ Southerners were also mainly presented as victims of predatory Northern Arab-Muslim governments, a view that neglects the numerous feuds and wars fought between the many Southern communities that have confronted each other and engaged in resource wars, leaving behind the legacies of grievances, slavery, cattle raids and loss of territory to stronger groups (Iyob and Khadiagala, 2006: 49).

¹⁰⁰ The various groups in Sudan have stressed the importance of access to natural, economic and social resources, expressed in terms of justice, fairness and equitable resource-sharing and development (El-Battahani, 2006: 13).

investment (El-Battahani, 2006: 13). Progressively, however, the South itself saw the emergence of its own elites and favoured groups, which became the main actors both in the conflict and in the peace initiatives.

It is our argument, though, that the peace process in Sudan has, to a large extent, neglected and undermined these important variables and therefore hides important aspects of this much more complex conflict and violence reality. The Comprehensive Peace Agreement does not reflect the full complexity of the ongoing conflict in Sudan since it does not fully address the various conflicts throughout the country, related human rights abuses and the various existing ethnic and religious divisions, which make reconciliation and transition to peace very difficult (Abusharaf, 2005: 44). Given this, it becomes extremely fragile, aggravating old and creating new forms of exclusion and animosity within the various Sudanese communities, namely in the Southern regions and especially after the end of the conflict.

In this context, the question of invisibilities can also be linked to the existence of a multiplicity of peace processes that end up not being viable or comprehensive. Peacemaking in Sudan, rather than being based on complementary and coordinated processes that promote the inclusion of a full range of groups in the Sudanese society, has served divisiveness, based on the government's 'sequencing policy' of tackling 'rebellions' piece by piece, and armed groups' failure to look beyond their own factional interests and commit to a national democratic project. The resulting arrangements are hard to manage since Sudan is, as Matus says, one country with many systems (Matus apud Simmons and Dixon, 2006). If we add this limitation to the existence of many different agreements for the various different areas then we

have important obstacles to an effective implementation of the peace agreement and that may be a problematic issue in itself.

Therefore, it is also our argument that compartmentalising and treating interlinked issues separately is never a good strategy for peace, since it reinforces those same invisibilities. And this has clearly been the case of Sudan. A common and frequent mistake and misunderstanding in the context of peacebuilding and conflict resolution processes is the assumption that settling conflicts and building peace basically means agreement on mechanisms for sharing power and resources.

This was an assumption that also characterized the various and more recent negotiations between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), namely in Machakos and Naivasha - but also in other conflict scenarios such as Angola, Mozambique, Kenya, Burundi, Liberia or Sierra Leone, where power-sharing mechanisms were put into practice as the main institutional arrangements aimed at reducing the threat of conflict by giving the belligerents a stake in positive cooperation and a set of mutual guarantees of security and basic interests. However, and according to Itto, this approach neglected other constituencies and the fact that a just and sustainable peace, based on good governance, equity, justice and democracy, requires an environment where every citizen has the opportunity to contribute to decision-making, [peace] and development (Itto, 2006) of its own society.

Any peace process or peace strategy should be based on two fundamental questions: what is necessary to achieve peace?; and what does then have to be done to sustain and maintain peace? At the same time, it should be based on the direct consultation of the various sectors of the population (political parties, local and traditional

authorities, women, civil society). However, in the Sudanese peace process, the general feeling is that none of these voices was listened to at the negotiations and did not count to the final agreement. Also for a scholar from the University of Khartoum, the peace Agreement cannot be considered comprehensive in the sense that it was signed between two minorities; the majority of the Sudanese population and its political representation did not take part in the process. For example, other political parties (such as the Ummah Party or the Communist Party¹⁰¹) were absent from the political process and there was no place for the different opinions (Interviewee 5)¹⁰². Since the peace process focused largely on an equitable share of power and resources between political and military parties, neither mediators nor drafters seem to have given much thought to other constituencies or dimensions along which power and wealth could be shared. There was clearly a lack of understanding – or unwillingness to understand – that the conflict in Sudan was never only a matter of political rivalry but was triggered by many forms of [social and economic] marginalisation (Itto, 206) that affected several groups and sectors of the population.

Due to these limitations, for many authors, the Comprehensive Peace Agreement is neither the beginning nor the end of the story of peacemaking for Sudan. Along with the interim national Constitution, it represents not an inclusive settlement, but one element – albeit for many the most significant one - in a larger piecemeal approach to making peace. It presents a useful and tenable framework for resolving the North-

¹⁰¹ The Ummah Party, the Democratic Unionist Party and Hassan Al Turabi's Popular Congress Party, all share the vision that they did not have the opportunity to participate in the negotiations of the Comprehensive Peace Agreement (Ide, 2009: 22).

¹⁰² Some political leaders say that all groups would need to sit down and discuss the content and the implications of the peace agreement in Sudan and find a way out to sustainable peace. The leader of the Umma party, for instance, now wants to have a meeting with other elements from society and opposition and evaluate the implementation of the agreements and come to a consensus of what has to be done in order to achieve a more inclusive process (Interviewee 5).

South conflict, but it failed to see the conflict as a product of the unequal centre's relationship with the periphery and did not include participation from other parts of Sudan (Simmons and Dixon, 2006).

In this sense, the process leading to the Comprehensive Peace Agreement itself has been characterized by important elements of exclusion - the exclusion of certain regions, interests, constituencies, concepts and themes and the result is that there is no ownership on the part of the population.

According to some anonymous interviewees in Khartoum, it is clear that if you go to the streets, people do not know anything about the peace agreement and the majority of the citizens have been largely alienated from the content and implications of the Agreement. There are various groups in Sudan who could and should have played a more active role in the peace process, but that have been excluded from it and are, therefore, very critical of the whole process. This is clearly the case of women and civil society and grassroots organizations, whose demands and grievances have also, to a large extent, been made invisible not only during the conflict but also during the peace process and in the post-conflict phase. This can be illustrated and proved in various ways.

In the case of women, for example, and despite the particularly active role of women in the North-South conflict in Sudan - especially within the South's liberation struggle freedom, democracy, equity, rights and a more dignified life in response to the marginalisation and neglect strategy that the various Southern communities were subjected to-, the Southern leader John Garang did publicly recognize women as the 'marginalized of the marginalized' (Itto, 2006). Also in the aftermath of conflict, and especially during return and resettlement, women face specific challenges including

increased burdens as female heads of households, little access to basic services such as healthcare or education, and very few economic opportunities (Abusharaf, 2005: 44).

However, and despite a few exceptions that show the importance of women in negotiating, keeping and building peace in their communities¹⁰³, Sudanese women have generally been a particularly neglected group in their demands within the framework of the peace process and especially in the latter stages of peace agreement implementation¹⁰⁴. As mentioned by Itto, there are a few articles in the final agreement that recognize customs, traditions and religion as sources of moral strength for the Sudanese people, but it is never assumed or recognized that many of these customs and traditions have for long contributed to the marginalisation of women (Itto, 2006) in the Sudanese society and have also served as important sources of violence within and among communities, namely in the South. In the implementation phase, there have been some attempts to overcome these problems and render more visible both the way in which women have traditionally been excluded from political, economic and social life and the role women play in society and politics. In fact, and even though many individual Sudanese men resist the so-called gender mainstreaming, the Southern government has been favourable to

¹⁰³ In some circumstances, women have also taken a leading role in creating links and forums for resolving inter-ethnic conflict, leading to many grassroots peace accords. Examples include the people-to-people processes, such as the Wunlit Covenant between the Nuer and the Dinka and the Lilir Covenant between Nuer groups. Also in order to effectively address social, economic and general problems of war facing women, many women organized themselves into groups, networks and NGOs on both sides of the political divide. These activist networks (including the Sudanese Women's Voice for Peace, New Sudan Women's Federation, and New Sudan Women's Association) went all over the world advocating peace and drawing attention to what was then referred to as 'the forgotten war.' In Washington DC, the UN Headquarters in New York, the Hague and Beijing, women lobbied the international community to pressure Sudan's warring parties to end the war (Itto, 2006).

¹⁰⁴ According to Itto, the absence of women at the negotiating table in Naivasha or Abuja was not due to lack of experience and capacity, but to the perceptions of their role (Itto, 2006).

women's equality and empowerment. Consequently, the Interim Constitution in Southern Sudan establishes a twenty-five per cent quota for women's representation in the legislative and executive powers, making it unconstitutional for any government institution not to have women in decision-making positions¹⁰⁵. However, at the level of the Government of National Unity and the National Congress Party, however, there has been clear opposition – including from women – both to a quota for women in the government and to ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women¹⁰⁶. Instead they chose to focus on a language of 'women's empowerment,' a vague term which, according to various human rights activists, does not effectively tackle the fundamental issues of rights and freedoms (Itto, 2006). Since Sudanese women in general still have little or no legal access to land or resources due to continuous discrimination, addressing the root causes of conflict in Sudan and attain sustainable peace must then imply the adoption of active measures and policies aimed at the promotion of women's socio-economic inclusion, participation [and visibility in society] (Abusharaf, 2005: 44). Women play a central role in the Sudanese society, in physical and psychological welfare as well as conflict prevention, [resolution] and peacebuilding and therefore deserve a full and active participation in the various solutions to violent conflicts (Itto, 2006).¹⁰⁷

¹⁰⁵ For example, The President of the Government of Southern Sudan has appointed women as chairpersons for the Human Rights Commission and the Anti-Corruption Commission, and has officially refused any list of appointees for State and Government of Southern Sudan positions that does not include women (Itto, 2006).

¹⁰⁶ Adopted by the United Nations General Assembly in 1979. Currently 185 countries are party to the CEDAW.

¹⁰⁷ There are several examples of organisations composed and led by groups of women working for peace in Sudan at the various levels of society. The Women Building Peace group, for example, engages in pro-active peacebuilding initiatives through cross community-level reconciliation, participating in peace processes at local, national, regional and global levels, involvement in

In this context, the promotion of gender equality, participation and the empowerment of women in peace times become more urgent as women now demand more responsibility, particularly in the rural areas¹⁰⁸. For example, one key objective in the longer run should be to eliminate gender disparity in primary and secondary education. The differences of access to education between boys and girls are bigger in poorer and less developed countries like Sudan. The same goes for the access to health services or water and sanitation infrastructures. This is of particular importance and concern when we analyse the execution process of the Millennium development Goals in Sudan. According to the United Nations Development Programme, while progress has been made towards several of these Goals, such as in the area of education, infant and child mortality, access to water and sanitation, Sudan's performance against the Millennium development Goals indicators

reconstruction, demobilisation, disarmament, reintegration & development programs, involvement in lobbying and demonstrating activities to promote peace and coping strategies concentrating on day to day basic needs and holding communities together (Women Building Peace, www.international-alert.org/women/new2.html). The Sudanese Women Association, based in Nairobi, works to consolidate and enhance the unity among all Sudanese women living in Nairobi and Kisumu and sensitize them for patriotic and national consciousness rather than factional one, to empower women economically, socially and politically through education and skills training for job creation, and to develop a comprehensive human rights education program for raising awareness about women and children's rights as Sudanese nationals. Its main issues for action are literacy, economic opportunity, political participation, human rights, violence against women, among others. The Ahfad University for Women, a private university in Sudan is dedicated to educating women, strengthening women's roles in national and rural development, and achieving equity for women in Sudanese society. These are just a few examples of how groups of women work for the promotion of peace, development and equal participation in society (Ahfad University for Women, www.ahfad.org/).

¹⁰⁸ The Women Empowerment for Peace and Development (WEPD) was founded in 1997 as one of the working committees as part of an initiative to facilitate the participation of Sudanese women in the peace process in Sudan. WEPD is a non-governmental, a-political, and non-profitable institution. This network is working steadily towards the recognition of the important role that women play in the peace movement and towards facilitating women's work towards their own agenda and increasing actual participation of Sudanese women in the peace processes of the country. The goal is to enable environment for the empowerment of women in Sudanese civil society is created. Women participate in international, regional, and local relevant events, such as the Oslo Civil Society Forum and Gender Symposium as well as Donor Meeting in March 2005. The network also aims at improving cooperation among women in political and peace processes, organising training on peace, conflict resolution and human rights issues in Darfur, Nuba Mountains, Blue Nile state, Kassala and Red Sea (http://sudan.ded.de/cipp/ded/custom/pub/content,lang,2/oid,13211/ticket,g_u_e_s_t/~WEPD_-_Women_Empowerment_for_Peace_and_Development_Network.html)

demonstrates big inequalities with respect to gender, rural-urban residence, and at the regional and sub-regional level. Estimated poverty rates remain high with up to 90 percent in Southern Sudan and in the so-called Protocol Areas which are Southern Kordofan, Blue Nile and Abyei. In addition, barely 1 in 5 children complete primary school; clean water is available to only 1 in 4 in some regions and maternal mortality ratio in Southern Sudan is among the highest in the world. Opportunities from economic growth as well as a transition from a humanitarian context to recovery and development are, however, apparent (UNDP, 2008)¹⁰⁹. This means that in Southern Sudan, government will have to make a special effort to attain this goal. Beyond education, the goal of promoting gender equality and empowering women should be extended to other crucial social and economic areas, in order to reduce and ultimately eliminate gender disparity in literacy, in the labor market, social services and participation in power and decision-making (Bure, 2005).

But besides women, the same exclusionary strategy has been applied to the various civil society and grassroots organizations. Without significant and legitimate trade unions and political parties¹¹⁰, civil society organizations have long been active in trying to promote a peaceful settlement to the conflict in southern Sudan¹¹¹. Most of

¹⁰⁹ For detailed information and numbers on the status of the Millennium development Goals in Sudan see Annex VII.

¹¹⁰ Until the 1980s, Sudan had a relatively strong and well-developed civil society based primarily in the north of the country. However, politically engaged civil society organizations like trade unions have increasingly been restricted by the state or supplanted by new welfare-based or issue-based organizations encouraged by the regime or by international development and relief agencies. These new organizations do not have the political role or power once held by trade unions and their capacity for influencing Sudan's peace process has been relatively weak (Atti, 2006).

¹¹¹ Localized peacebuilding initiatives have been put in practice through the war years, but were mostly fragmented and vulnerable to political affiliations related to the wider war resulting in a situation in which agreements rarely lasted. This reinforced external perceptions that with peace, local

these organizations have defended that a comprehensive settlement to Sudanese conflicts should be based on the conviction that cultural diversity is the basis for national unity and on tackling the main root causes, namely the unbalanced development approaches, the absence of political participation and representation, and inequalities in the distribution of wealth. However, the actual influence of the Sudanese civil society on the Naivasha process that led to the Comprehensive Peace Agreement was very limited, being highly undermined and marginalized¹¹² (Atti, 2006). The population in the South has repeatedly been accused of having a very passive attitude towards the peace process, but this can be explained mainly by the way in which the peace negotiations took place, clearly neglecting the population's expectations and demands, without actively including existing and important civil society groups. In fact, although the so-called grassroots and civil society peacebuilding initiatives have been increasingly considered fundamental to the sustainability of peace, these have had, so far, a largely overlooked impact in the transition to peace in Sudan. Despite this limited involvement, it was expected that during the peace process leading to the Comprehensive Peace Agreement – and

conflicts would subside, in a view that, according to Murphy, clearly overlooked the effect of the tactics of war on the civilian population and how local disputes were manipulated and entangled within the broader war strategy (Murphy, 2006).

¹¹² According to Atti, little space was given to civil society organizations (CSOs) in formal peace initiatives, though it should be remembered that the first significant high-level talks involving the SPLM/A, the Koka Dam talks in 1986, were rooted in an initiative by University of Khartoum staff associations and trade union associations, who started the initial talks in Ambao. In more recent years CSOs have found ways to contribute to the broader peacemaking process through public lectures, workshops, newspaper articles and training sessions on peace. Fuelled by the prevalent war fatigue, the initiatives included, among others, Sudan First Forum, Nadwat al-Ameed (Ahfad), Women's Peace Network Initiative, the Group of 10, the el-Sheikh el-Gaali Initiative, and the Sudanese Initiative to Resolve Sudan's Governance Crisis. Peace organizations like the Sudanese Women's Peace Network [and the Women Empowerment for Peace and Development Network] and the National Civic Forum were among the first to establish direct contact with CSOs in the SPLM/A-held areas and in the diaspora. Many received external support, for example through Justice Africa's Civic Project, the Dutch government, the Heinrich Böll Foundation, the Friedrich Ebert Foundation or the United Nations Development Programme (Atti, 2006).

especially through the increasingly active involvement of the international community- a distinct 'peace movement' would emerge, in which grassroots initiatives would join up institutionally, be represented transparently and produce the critical mass necessary for wider change. According to Murphy

Trends reported include less violent cattle raids or revenge killings, more cattle returns and compensations offered, and improved trading relations. Communities affected by or addressing conflict showed greater awareness of the causes of conflict and their potential roles as peace actors, developing confidence in their ability to influence events and the ability to exact greater responsiveness from their authorities to manage conflict and maintain peace. Overall, local peace initiatives and pro-peace constituencies expanded and became more institutionalised, though all observers emphasized how fragile the environment remained". (Murphy, 2006)

Nevertheless, progress at the strategic level - where local initiatives are collectively steered and their potential harnessed - has not significantly accompanied the pace with local developments towards peace (Murphy, 2006). However, and according to Atti, civil society organizations and grassroots initiatives can actually contribute to building sustainable peace in many ways

[...] by encouraging dialogue and promoting peaceful coexistence and cooperation between ethnic and religious groups; promoting civic education, democratic values and a culture of peace and human rights at the community level; assisting community planning and drawing attention to local, national and international problems; promoting regional and local development and more equal distribution of wealth and opportunities between regions and social groups; promoting transparency and accountability, and monitoring the use of rehabilitation and reconstruction resources; providing education on the environment, resource use and management, and promoting economic alternatives to reduce the pressure on resources and the likelihood of conflict, among others. (Atti, 2006)

In order to safeguard against a return to conflict in the near future, improve the foundations for Southern Sudan's new governance systems and address the legacies of decades of conflict and promote stability and justice, the recovery process thus also depends largely on a sustained and sensitive support for bottom-up and civil society initiatives (Murphy, 2006), as well as on a strong and committed involvement of the main political parties in a comprehensive and sustainable process.

After the signature of the Comprehensive Peace Agreement and the formation of the government of Southern Sudan and of the government of national unity, the SPLM was expected to speedily implement a comprehensive development programme, particularly in those marginalized areas, where its power and support were based (Yoh, 2007). Despite these expectations, there is a general consensus that the implementation and reconstruction has been severely delayed¹¹³ and limited. For example, Juba and most capitals of the Southern Sudan states, Southern Blue Nile and Nuba Mountains have not changed in terms of development and instead there seems to be no interest among the stakeholders that things should move ahead (Yoh, 2007). At the same time, development projects are not being effectively defined and coordinated and the various ministries and administrations do not coordinate their activities related to housing, education, health, and infrastructures. But when it comes to assessing responsibilities for the delays, opinions tend to differ. Some suggest that the National Congress Party has been intentionally delaying release of the oil funds allocated to the South while simultaneously continuing to manipulate parties in the South feeding inter-southern hostilities between SPLA and other armed

¹¹³ For example, the National Congress Party has been accused of delaying the political transition process, the implementation of the Agreement, the census and the organization of elections in order to gain time (Interviewee 5).

groups that refuse to disband¹¹⁴. On the other hand, others consider that the leaders of the government of Southern Sudan and the SPLM have the biggest share in the blame, because as the main beneficiaries and representatives of the South, they should be the ones pushing for things to change and projects to be completed on time, making sure that funds are not wasted on unnecessary issues (Yoh, 2007). In fact, the SPLM as for long been regarded as the custodian of the Comprehensive Peace Agreement and, like the National Congress Party, it is one of the main responsible for its implementation and from time to time it suspends the participation in the government of national unity in a way to impose some pressure on the National Congress Party. At the same time, the Southern political spectrum is very much divided when it comes to support and mobilisation¹¹⁵. Since 1994, the SPLM/A has gained the support of a great majority of Southerners inside and outside Sudan, but such support was not yet turned into a unified political identity that could cut through ethnic or racial differences¹¹⁶. At the same time, and although the SPLM

¹¹⁴ The newly established government of Southern Sudan was expected to reform its fighting forces into a legitimate security sector accountable to civilian oversight and authority. The Comprehensive Peace Agreement also determined that all armed groups not aligned to the Sudan's Armed Forces or SPLA be disbanded and absorbed into either. The challenges of developing a legitimate army in the South and integrating renegade groups was never going to be straight-forward. As in many other post-conflict contexts, the peace agreement did not lead to an immediate cessation of armed violence (SAS 2006; Young 2007a, 2007b).

¹¹⁵ After John Garang's death there has been a progressive lack of leadership in the SPLM and Salva Kiir, currently Vice-President of Sudan does not really have power in the so-called national unity government (Abdelgadir, 2008).

¹¹⁶ The war has not only widened fractures throughout Sudanese society, beyond the old divisions between North and South, Arab and African, Muslim and Christian or non-Muslim, but also within the South. During the earlier years of the movement, the majority of people from the Equatoria region did not support the SPLM/A, since it was perceived as an attempt to restore the Dinka hegemony in the region (Idris, 2005: 70). Many have pointed out that the military ethos underpinning the SPLM's civil administration has also been a source of past and present internal ethnic tensions and divisions, particularly between the non-Dinka groups (such as the Nuer) and the Dinka who still dominate the SPLM's leadership and command (Samasuwo and Ajulu, 2006). The Dinka, Southern Sudan's largest tribe, are predominantly pastoralists, but many of the displaced sought refuge in Equatoria region, which is primarily dominated by farmers. As a consequence, tension followed their arrival, aggravated by the fact that the internally displaced came under a separate administrative structure from that of

as claimed to be trying to define a new and consolidated set of priorities for reconstruction and development, the reality is that those priorities and projects are mostly benefiting the centre of the region and its main cities such as Juba and Malakal (Interviewee 6). Another of the often mentioned criticism to the peace process in Sudan is that the SPLM/A remains a military outfit attempting to reinvent itself as a credible civilian political organization and this may be a problem for the future stability of Southern Sudan, regardless of its territorial status. Although progressively moving from a rebel movement to a political party, the SPLM/A is often accused of not being representative of the whole Southerner population and there are in fact various groups that do not recognise it as such. Furthermore, its practical performance in the Southern government and as part of the government of national unity has been very much questioned and accused of not really complying with the promises made to the population (Interviewee 3). In addition, the South has not sufficiently decentralized power structures (at the decision making and finance levels, especially) and continuous delays at the political process level as well as little progress in creating institutional structures of governance have resulted in a growing frustration since the expectations of peace have not been met (Baldo, 2005: 26). In fact, and although the SPLM's fight was never for independence or separation but rather a fight for a 'New Sudan', united and equal, the Comprehensive Peace Agreement as been progressively used as an instrument in itself to mobilise the population. Using many of its provisions ideologically, the government of Southern Sudan does not seem to be worried about reconstruction, but rather with the conditions to be independent (Interviewee 5).

their hosts and maintained their own customary laws without consideration for local traditions (Murphy, 2005: 36).

6.2. A fragile peace: the various ‘Souths’ within the South

From what has been analysed before, the Southern Sudan reality after 2005 has, in our view, been characterised by a fragile peace stimulated and aggravated by development and reinforcement of various forms of invisibilities, division and inequality within the South itself. We also argue that the Sudanese peace process contributed to the existence of various invisible ‘Souths’ within Southern Sudan with the formation and crystallisation of political and economic elites. There is a rising negative canvassing and division engendered by different political affiliations, as well as increasing accusations of corruption and clientalism especially around access to resources, service delivery, employment linked to affiliation and that can become potentially violent¹¹⁷ (Pact Sudan, 2007: 27).

As referred before, there are some Southern elite groups - especially the ones with seats in government following the peace agreement- who have gained a lot from their recognition as the main representatives of the Southern population, namely an important share on wealth and power in post-conflict Sudan. However, these political and economic forces and agendas linked to oil and power have proven not to be up to their responsibilities when it came to negotiating peace and sharing the peace dividends. This basically means that these elites both in the North and in the South

¹¹⁷ Given this situation, Lam Akol Ajawin, the former senior member of the Sudan People Liberation Movement broke away to form his own party on June 6 – the SPLM-DC -saying he wants to save the SPLM from the ‘abyss’ and said that its leadership are ‘bankrupt’ and ‘undemocratic’. Critics have long been accusing the governing SPLM leadership of being responsible for the current deteriorating economic situation and increasing of corruption (Garang, 2009). Furthermore, and still concerning the South-South relations, the legacy of war still persists with increased polarisation of Southern groups’ positions and personal relationships and rivalries between Southern leaders still unresolved. There is increased reaction and opposition over Dinka dominance in Government or unequal representation in governance (Pact Sudan, 2007).

There is a general feeling that there is nepotism within the SPLM leadership, favouring specific groups. For example, the Atoro Nuba feel very marginalised after the Comprehensive Peace Agreement despite the fact that they sacrificed the most during the war and are now not getting the expected dividends (Pact, Sudan, 2007).

who have been called to negotiate the Comprehensive Peace Agreement¹¹⁸ may have been satisfied with the results achieved, but there are different social groups in the South who have not been, and continue not to be, considered or included as targets in terms of improvement of their basic living conditions, remaining amongst the poorest communities and groups¹¹⁹. In this sense, the Comprehensive Peace Agreement has not been capable of creating the conditions for effective and sustainable inclusion and participation of the poorest and most neglected and marginalised groups in the South, thus ultimately resulting in a void attempt to build sustainable and long term peace in Sudan in general and in the South in particular.

It is a given that the overall economic, social and human situation in Sudan is far from satisfying and poverty is widespread¹²⁰, a picture that has been well illustrated

¹¹⁸ It was noted that, for the purposes of the Comprehensive Peace Agreement, the National Congress Party was taken to represent the 'North' and the SPLM the 'South'. But these designations oversimplify a much more complex picture. Real questions remain to be answered: 'who or what is the North?' and 'who or what is the South?' To equate the North exclusively with the National Congress Party runs the risk of undermining the legitimacy of the CPA. Likewise the SPLM is not the only political voice of South Sudan and elections can be expected to show that it is not the only, or perhaps even the most popular, Southern organization (Obe, 2008: 5). According to al-Mahdi, the agreement offers other political [or other] forces only token representation, compelling them to accept the privileges and political hegemony of the National Congress Party-SPLM/A 'diarchy' or be disenfranchised (al-Mahdi, 2006).

¹¹⁹ According to analysts, the SPLM led by Salva Kiir seems to give preference to some areas in the Southern region and does not aim at representing the marginalised groups of the remaining areas and regions, as envisaged by John Garang. Furthermore, many SPLM leaders have established strong connections with some elite groups in Khartoum, thus allowing them to have access to part of the oil revenues and to national political power and clearly showing that the Comprehensive Peace Agreement has turned into a pact between elites, leaving the civil population aside of the process (Lijn, 2008: 9 apud Ide, 2009: 23).

¹²⁰ At independence in 1956, Sudan's GDP was estimated as amounting to US \$795 million. Per capita GDP amounted to about US \$78, classifying Sudan among the poorest countries in the world. The South fared much worse than the Northern regions with a per capita GDP of about US \$39, reflecting years of neglect and marginalisation ever since the colonial period. Also at independence, educational attainment in Sudan was very low, even by African standards, with average years of schooling at just 0.4 years; educational attainment in the South was significantly lower than the national average (Ali et al, 2005:204). In 2008, the GDP was of around US \$57.9 billion and is expected to be around US\$ 52.2 billion in 2009. Past growth was not sufficiently broad-based. Investments and services are concentrated in and around Khartoum state and to a lesser extent Juba. The significant disparities between urban and rural areas and between regions contributed to growing inequalities (UNDP, 2008).

in the recent Human Development Reports, in which Sudan figures in the countries with some of the lowest human development index. The UNDP Human Development Report in 2007/2008 ranked the country 147th among 177 countries compared to position 141 in 2006 and 2005, as illustrated in the tables below:

Figure 2: Sudan in the Human Development Index, 2005

HDI rank ^a	Human development index (HDI) value 2003	Life expectancy at birth (years) 2003	Adult literacy rate (% ages 15 and above) 2003 ^b	Combined gross enrolment ratio for primary, secondary and tertiary schools (%) 2002/03 ^c	GDP per capita (PPP US\$) 2003	Life expectancy index	Education index	GDP index	GDP per capita (PPP US\$) rank minus HDI rank ^d
141 Sudan	0.349	0.376	0.396	0.428	0.465	0.500	0.512		

Source: UNDP Human Development Report 2005

Figure 3: Sudan in the Human Development Index 2007/2008

HDI rank ^a	Human development index (HDI) value 2005	Life expectancy at birth (years) 2005	Adult literacy rate (% aged 15 and above) 1995-2005 ^b	Combined gross enrolment ratio for primary, secondary and tertiary education (%) 2005	GDP per capita (PPP US\$) 2005	Life expectancy index	Education index	GDP index	GDP per capita (PPP US\$) rank minus HDI rank ^e
147 Sudan	0.526	57.4	60.9 ⁰⁰	37.3 ⁰	2,083 ⁰	0.540	0.531	0.507	-10

Source: UNDP Human Development Report 2007/2008

But although the national situation is far from the ideal, the situation in Southern Sudan is even worse with decades of violent armed conflict and marginalisation contributing to a gloomy picture when it comes to economic, social and human development, even after the signing of the Comprehensive Peace Agreement in 2005. According to a 2007 joint World Bank-United Nations Development Programme mission, around 60 to 75 percent of the population in the North and 90 percent in the

South was estimated to be living below the poverty line of less than US\$1 a day (UNDP Sudan, 2009). The ones hit most by poverty are people living in rural areas, in particular women and internally displaced people¹²¹ who constitute more than 12 percent of the population. Outside Khartoum state, in the North, infrastructures such as roads, railways, electricity and water is either non-existent or underdeveloped across the country (UNDP, 2008) and especially in the South. Infrastructure is virtually non-existent, with no paved roads outside the main urban centres, and a civil service and infrastructures for service delivery must still be built from scratch. There is, therefore, an undisputable regional disparity in government expenditure that is also mirrored in significantly different health and educational levels. This pattern of regional exclusion stems significantly from deliberate government policy and a charged political discourse. The fragility of peace in Sudan can thus be seen in the failure to provide for the human rights of citizens and in the evidence of an apparently systematic undercutting of the human development opportunities of the majority of citizens in the most marginalised regions (Poskitt, 2009: 46)

In Southern Sudan, key education and health indicators, such as child mortality and primary enrolment, are among the worst in the world. According to recent data from the United Nations Development Programme, the lack of formal schooling and high levels of youth unemployment is turning the potential of the young generation from an asset into a challenge for the future (UNDP, 2008). The scenario is therefore a concerning one: Southern areas also have some of the highest maternal mortality

¹²¹ Several international organizations have even identified a number of constraints to the reintegration of the returnees into the resident population, mainly related to lack of cultivation knowledge, lack of food and food assistance and also lack of access to health services, employment and housing. According to the research made, constraints to employment were caused mostly by limited employment opportunities, low salaries and delayed payments, while no access to health care, poor quality of health and unavailability or cost of medicines led to health constraints. Shortages of tools and building materials, the limited availability of temporary shelters, and the high cost of building materials were reported to have led to housing constraints (WFP South Sudan, 2009: 20).

rates in the world and some of the lowest routine immunization rates. More than 90 percent of women cannot read or write; only 25 percent of the population ever uses a health facility, and less than half of all children attend school (WFP South Sudan, 2009: 1). Food security in Southern regions and among the poorest communities has also continued to be highly compromised, without infrastructures or conditions being created in order to guarantee their self-subsistence, resulting in an increasingly high dependence on foreign aid. The World Food Programme, for example, is planning to increase by 25 percent its food assistance distributed to Southern Sudan this year, since the number of people facing severe food shortages has now risen to 1.3 million, and there is a worsening food security situation. According to people working in the South, few people can afford to buy what is available in the markets, leaving them and their families in need of assistance (Almagro, 2009).

Table 4: Estimated Food Assistance Requirements in Southern Sudan in 2009

State	Residents/IDPs in need of Food Assistance	New returnees 2009 ¹⁶	Total Number of People in Need of Food Assistance	Food Aid Requirement (Metric Tons)
Eastern Equatoria	95,600	18,100	113,700	8,200
Jonglei	185,400	21,500	206,900	15,700
Lakes	62,200	5,000	67,200	4,900
Upper Nile	28,100	34,000	62,100	4,900
Western Bahr El Ghazal	71,300	3,600	74,900	5,600
Northern Bahr El Ghazal	165,800	98,700	264,500	17,800
Warrap	330,800	30,200	361,000	26,400
Unity	25,800	5,100	30,900	1,900
Central Equatoria	46,200	6,000	52,200	5,000
Western Equatoria	47,700	16,600	64,300	5,700
TOTAL	1,058,900	238,800	1,297,700	96,100

Source: WFP South Sudan (2009) *South Sudan Annual Needs and Livelihoods Assessment, 2008/2009*, 40.

Socio-economic disparity throughout Southern Sudan is also very high, with poor households ranging from 50-65 percent, medium households from 19-29 percent, and

better off households from 10-25 percent¹²² (WFP South Sudan, 2009: 32). Data obtained at community level interviews shows that the top five priorities for the poor were food aid/other food assistance, health assistance, security and peace, drinking water, and education services. As illustrated in the table below, food aid and other food assistance were particularly high in Eastern Equatoria, Lakes, Northern Bar el Ghazal, and Warrap States¹²³.

Table 5: Priorities for the Poor

	Eastern Equatoria	Jonglei	Lakes	Upper Nile	W. BEG	N. BEG	Warrap	Unity
Priority (%)								
Food Aid/Other Food Assistance	34%	18	33	17	11	34	39	13
Health Assistance	14	19	22	19	13	15	12	18
Security and Peace	4	20	10	11	11	4	29	13
Drinking Water	14	13	10	8	16	20	6	11
Education Services	8	13	1	24	16	7	3	16
Tools	5	3	8	4	10	3	0	6
Road Repairs	5	5	4	2	5	1	3	9
Seeds	10	3	3	2	5	6	0	2
Cash Assistance	4	1	3	3	5	5	1	4
Fishing Equipment	0	2	2	3	3	4	4	5
Other	0	0	3	1	3	1	0	3
Credit	0	0	0	5	1	1	0	1
Return to original village	2	1	0	0	0	1	3	0
Reintegration	0	0	0	0	1	0	0	0
Total	100	100	100	100	100	100	100	100

Source: WFP South Sudan (2009) *South Sudan Annual Needs and Livelihoods Assessment, 2008/2009*, 33.

In this scenario, the social and economic status of the non-elite and most invisible groups continues among the lowest levels and living conditions remain poor and

¹²² Eastern Equatoria and Northern Bar el Ghazal States were reported to have the highest number of poor households ranging from 62-62%, followed by Unity, Jonglei, Western Bar el Ghazal, and Warrap States with 51-55 percent, and Lakes and Upper Nile States with 48-49 percent (WFP South Sudan, 2009: 32).

¹²³ With reference to the above socio-economic graph, in households which were considered to be medium comprised between 19-29 percent across all States and the top five priorities for the middle socio-economic group were health assistance; food aid and other food assistance; education services; drinking water; and security and peace. As found with the poor socio-economic group in Eastern Equatoria State, food aid and other food assistance was high, albeit being ranked second most important after health assistance (WFP South Sudan, 2009: 33).

highly undermined. In Southern Sudan, the poorer and lower class groups' demands have been largely ignored not only during the conflict years but also during and after the negotiations of an agreement that aims at bringing long-lasting peace to the country. This underdevelopment situation and the increasing inequality among Southern groups remains a source of potential renewal of violence in the South due to frustrated expectations and the inability of a great majority of the population to enjoy and experience the announced and promised peace dividends.

The disappointment in relation to the lack of peace dividends so far is well present in several voices in Southern Sudan

[The South has seen] the influx of many thousands of people – with all the challenges that brings - either moving in to take up government positions, to protect those government officials, or to find work and services. Rehabilitation has been underway for some time though services are still basic and the roads still not good. The town is filthy and the demand for bottled water and plastic bags means Juba is filled with rubbish. The lack of sanitation is pronounced and it is even worse in the rainy season with puddles and mud replacing the dust and dirt of the dry season. (Pact Sudan, 2007: 22)

The increasing social and economic constraints in the South are also frequently pointed out not only by the population itself but also by some of the many organisations working in Southern Sudan. Unemployment in the South, especially in Juba is growing, as well as slums and the number of urban poor. There is also the perception and reality of the widening gap between the [relatively] rich and the poor (Pact Sudan, 2007: 29)

Bad governance and corruption are unfortunately the mantra on everybody's lips in Juba now. The Government of Southern Sudan is visible to the people not in the form of services such as clean drinking water, schools and hospitals but only in form of land cruiser vehicles

and airplanes flying thieves in and out of Juba, while children run on the streets, begging and exhorting foreigners to clean their cars or shine their shoes for money. (Sudan Today, 2006)

This increasing perception of poverty and inequality amongst the population affects the ordinary citizens and can have a role in breeding conflict. In fact, the inequality gap is widening and, as mentioned previously, has already led to several episodes of violence and fragility as groups feel continuing marginalisation and neglect.

In Southern Sudan, inequality has, at times, been caused by discriminatory policies against certain groups and, at other times, by non-inclusive, equity-blind policies that do not benefit all groups in society (Poskitt, 2009:2). The crisis does not lie therefore in the mere differences of identity, but rather in the implications of the distorted mechanisms for allocation and distribution of power, wealth, resources, services, employment and development opportunities to the various groups and classes in the South. Disadvantaged groups—poor people, women, rural populations, indigenous communities—are disadvantaged partly because they have a weak political [social and economic] voice, and they have a weak political [social and economic] voice because they are disadvantaged (UNDP, 2005: 53-54).

Even though there is now the Comprehensive Peace Agreement, in place many of the structural conditions that threaten security and violence still persist in Sudan and are well reflected in the following statement

The more proximate tactics used to foster instability have mutated and adapted to take into account the Comprehensive Peace Agreement and many negative practices are more nuanced and hidden (at least to the external observers) but they are still very much present. What heightens tensions today is that ordinary people judge that there is no desire to properly address the structural issues behind the conflicts in

Sudan. It is not only the failure to implement to the letter – but the blatant lack of willingness to implement according to the spirit of the CPA. It is this failure of political will that most signals to the people that this war may well not be over yet – that there is more to come if they are to secure what is rightfully theirs. (Pact Sudan, 2007: 82)

Corrective measures are therefore required to promote an inclusive sense of belonging as citizens who enjoy all the rights of citizenship on equal footing (Kameir, 2008).

As it has been mentioned before, one of the main weaknesses of the peace process and hence of the peace agreement has been the prevailing logic of limiting the negotiation parties to the government of Sudan and the SPLM/A, leaving various other groups aside, partly on the grounds that this would simplify an already complicated process (African Security Analysis Programme, 2004: 10). However, the process must not be restricted to groups that have long dominated the various governments, but must also include the new forces from the peripheries and the disenfranchised that are increasingly challenging their marginalisation (African Security Analysis Programme, 2004: 10). Wealth sharing [as well as power sharing] must be based on the requirements of development and not upon opportunistic trade-offs between the main elites gaining from peace (al-Mahdi, 2006).

In this context, the existence of various ‘Souths’ within the South allied with the absence of specific measures to address inequality and poverty thus renders sustainable peace an increasing illusive goal.

One should not forget that one of the pillars sustaining the Southern struggle has been the determination to establish a country where ordinary Sudanese who have been deprived of all kinds of development opportunities could enjoy equal treatment

and respect (Yoh, 2007) in their rights and needs. Following this spirit, John Garang once said

For many years politicians have raved, cried, shouted and threatened about inequalities between the North and the South. But they never understood that these inequalities cannot be overcome except by the economic and social development of the Southern provinces and the lifting of the Southern masses out of centuries of backwardness and superstition. (Garang, 1973: 83)

It is essentially the problems of socio-economic neglect and uneven development that constituted the objective roots of the Southern movement against the Northern rule which reflected the need for social progress in the area, for a redress of the condition of uneven development and therefore the need for respect and improvement of the social and economic rights of the Southern population. This should be done through drawing and defining a new political, social and economic contract to enable more equitable governance in the whole country (Iyob and Khadiagala, 2006: 17), without any kind of discrimination and by stimulating inclusive policies.

In post-conflict Sudan, however, it is clear that there are still fundamental and urgent economic and social challenges that imply reconstruction, resettlement and job-creating projects and that must ultimately result in the development of the South as part of the Sudan as a whole. To a large extent, and has mentioned before, this challenges have already been felt and experienced, namely in the South. In the case of Sudan, the Joint Assessment Mission framework for Sudanese Peace, Development and Poverty Eradication signed with the Comprehensive Peace Agreement, clearly specified that by 2007 a basic transport infrastructure networks involving road, river and aviation should be in place in the Southern region. However, almost at the end of 2009 it is still not clear whether basic infrastructures

and adequate capacity for planning and management of infrastructure are even half way in place in Southern Sudan (Lupai, 2007). At the local level, economic and social services and needs have been further challenged by the influx of refugees and internally displaced persons returning to their homes and to communities where informal coping mechanisms have been exhausted, access to safe water is limited and land tiled by the ones that stayed during the war. All these realities put further pressure on existing mechanisms to solve disputes and increase the need for reviewing customary laws and practices to integrate them in a judicial system able to respect the international human rights norms and, at the same time, the country's diversity (Klugman and Kallaur, 2005: 17). There can be cooperation against marginalisation but it is a very difficult task, because the elites in Sudan have never had much interest in poverty reduction. It therefore requires a lot of international pressure and guidance.

At this level, priorities in post-conflict reconstruction phase must be addressing reintegration¹²⁴ challenges such as ownership of livestock, access to grazing and governance of resources, through providing opportunities for the various communities to meet and settle views and guaranteeing inclusion of community-based institutions and groups (Murphy, 2005: 36).

Key immediate needs include security, reconciliation and peacebuilding, meeting food requirements and enabling the sustainable return of displaced persons. This requires the establishment of basic infrastructures and institutions and respect for human rights. Access to land, reorientation of resources from the military towards investment in crucial economic areas like agriculture or livestock, as well as

establishment of social services and infrastructures should be priorities (Bennett, 2005: 9). Other priorities should include improved access to basic social services for all vulnerable populations, increasing the participation and protection of rights of disabled, women and children, increased local economic capacity and activity in marginalized communities (Malik, 2005: 32). Relief should be made available to all the needy regardless of whether they are internally displaced or returning refugees (those who stayed and never left their home areas), as well as opportunities for employment to support the reintegration of former combatants, returnees, and displaced persons into productive activities. In achieving political and social stability during post-conflict transition, adequate funding is required for successful implementation of the measures negotiated in the peace agreements (Jeong, 2005: 134).

At this moment in Sudan, promoting and protecting economic and social rights of all groups are one of the biggest impediments to an effective implementation of the Comprehensive Peace Agreement, because there are no real changes on the ground. There has been a lot of money poured to the South but no real structural and long-term planning (Interviewee 6). There are no social services or infrastructures being created in the South, so the population can go back and experience the peace dividends. According to a Southern Sudanese activist, the war has formally ended and the guns were shut but no real positive peace is actually being built or on the way. Real reconstruction must still take place, so that people can actually go back and live in peace and justice.

Understandable as it is to concentrate on the most immediate violent problems, a broader and longer-sighted approach is essential in any conflict situation (Simmons

and Dixon, 2006). A long-term vision on Southern Sudan is needed as the basis for the relief, reconstruction and development efforts undertaken.

A reconstructed South within the framework of a more democratic and tolerant Sudanese state based on power and wealth sharing would relieve the country of many problems and also enhance the development of the North. According to some specialists, a well-prepared combination of the so-called 'Quick Impact Programs' and long-term development programs would help in transforming Southern Sudan, enhance material and socio-cultural development, and solidify peace. A 'Quick Impact Program', as envisaged by the donor community, international organizations, and UN agencies, will have to take into account complicating factors of a political nature that will continue to have their effect. Quick Impact Programs should not focus exclusively on 'technicalities' of relief and reconstruction nor be naive about the political context in which it is implemented (Abbink, 2004)

While this type of solution is intended to capitalize on the 'peace dividend', it should not focus too much on short-term issues and neglect the wider concerns of good governance, democratisation, accountability and people's participation in Southern Sudan's reconstruction. Even if this kind of programs are geared to quickly make a difference and enhance people's confidence in a better future, their execution should thus be embedded in longer-term structures of partnership and visions of a democratic political order (Abbink, 2004).

Another important challenge in post-conflict Sudan is defining and consolidating the structures and principles of government aimed at stimulating and guaranteeing democratic and equal access to citizenship rights by the marginalized groups, especially in the Southern regions. In fact, the continuous barriers to equal

citizenship and equitable peace in Sudan have been hidden in the interstices of the historical processes through which large sectors of the population were curtailed from their rights and freedoms, as well as from their land and their labour (Iyob and Khadiagala, 2006: 62).

As Idris mentions:

[...] the recent debate on citizen and subject in African Studies is very significant for understanding the root causes of the civil wars and political conflicts in the region. (Idris, 2005: 19) [...] Throughout history, Sudan has had two categories of populations: citizens and subjects. The state was involved in the process of incorporating peoples of Southern regions into its boundaries forcefully¹²⁵. (Idris, 2005: 19)

Furthermore, and as argued by Said Adjumobi, the colonial structure and construction in Sudan

[d]e-individualize[d] citizenship and [made] it more of a group or community entitlement. Rather than the state providing a common bond for the people through the tie of citizenship, with equal rights, privileges, and obligations, both in precepts and practice, people's loyalties are bifurcated. (Adjumobi, 2001 apud Idris, 2005: 11)

According to Idris, this resulted in ethnic and racial community, rather than citizenship, becoming the basis for political and economic entitlements. The outcome was often increasing claims of marginalization, exclusion and domination among individuals and groups (Idris, 2005: 11).

¹²⁵ Those subjected to slavery were excluded, eliminated or assimilated into the mainstream culture, thereby reinforcing the myth of a 'unified state'. The legacy of slavery by the Northern traders has been deeply rooted in the Southern Sudanese political consciousness, making it hard for the central government to impose its authority in the South on the basis of a unitary political arrangement (Idris, 2005: 45).

In the post-colonial period, and in a wave of escalating tension and political violence, the various marginalized groups have continuously attempted to challenge this dominant racial and political identities, as well as dominant concepts of citizenship in multicultural contexts (Idris, 2005: 19), claiming the same rights as the other citizens in the country. In Sudan, where the various governments legally reinforced this kind of discrimination, the unintended result was a major political violence between those who ruled through the mechanism of exclusion and those who demanded either inclusion in the state, or the exercise of right to self-determination (Idris, 2005: 12).
As referred by Yoh

[...] all biases and political-religious extremisms that the country had witnessed during the past fifty years can be attributed to competition between those political forces who espoused the war agenda to keep power abreast and those who espoused peace and unity agenda, through reform and transformation of the country into a nation that accommodates all its citizens and their aspirations. (Yoh, 2008)

Bearing this historical context in mind, contemporary political experiences in Sudan suggest that although crucial, political democracy is not necessarily enough – in the context of contested histories and identities – to guarantee and maintain the civil rights of citizenship or to sustain a democratic rule of law (Idris, 2005: 10). And the same goes for economic, social and cultural rights.

In this context, many authors suggest that democratic citizenship, implying access to equal political, civil, social and economic rights, requires a transformative political discourse that goes beyond race and ethnicity¹²⁶ (Idris, 2005: 107).

¹²⁶ For many years, for example, Southerners were also mainly presented as victims of predatory Northern Arab-Muslim governments, a view that neglects the numerous feuds and wars fought between the many Southern communities that have confronted each other and engaged in resource

John Garang once said

The Southern [struggle] belongs to all those who work in the factories and earn so little...to those who wash cars...to those forgotten citizens who crowd under very difficult conditions... and in all the slums of our cities...to those in the North who have been callously displaced from your ancestral homes, to you the Hadendowa and the Ingessana who never know of schools in your villages, to you the Nuba and Baggaras of the Centre, to you the Fur, Zeghawa and Masalit of the West, to you all, the SPLA is yours. (Garang, 1987:61 apud Iyob and Khadiagala, 2006: 56)

Suppose we solve the problem of the South, we will soon have to solve the problem of the Jebels [the Nuba Mountains] because the Nuba can also take arms; after that the problem of the Beja; and so forth. It is a national, not a Southern problem that we must address. (Garang, 1987:67 apud Iyob and Khadiagala, 2006: 56)

These words of Garang clearly relate to the need to address the historical past of inequalities and subaltern relations between the many groups in Sudan when crafting the peace agreements and new citizenship laws to be applied, in order to ensure equal participation of all in the Sudanese political and socio-economic systems (Iyob and Khadiagala, 2006: 56).

As Sudan emerges from a long war and moves forward towards a political settlement, the country remains affected by violence and by weak governance and rule of law institutions. The peacebuilding process must seek to empower national stakeholders to actively engage in preventing and bringing an end to human rights violations (Sherif, 2005: 29). At the same time, in order to be effective and contribute to sustainable peace and stability, peacebuilding [and conflict prevention] needs to be broadened and redefined as an integrated social process for an associative

wars, leaving behind the legacies of grievances, slavery, cattle raids and loss of territory to stronger groups (Iyob and Khadiagala, 2006: 49).

engagement with the overall aim at creating a mutually accepted framework of rules and institutions (Pugh, 2000 apud Jeong, 2005: 21).

Therefore, it seems clear that the only way out will be the establishment of an effective, accountable and democratic civil authority that has the capacity and responsibility to empower both civil society and all those groups who have been marginalised and persistently made invisible in the South (Samasuwo and Ajulu, 2006).

The Comprehensive Peace Agreement is usually referred to as marking a significant step in overcoming the long struggle among Sudan's culturally diverse inhabitants. According to Murphy, however, the scepticism many share about its outcome is understandable since the causes of the North-South conflict are deep and any enduring solution necessarily entails difficult and lengthy processes of compromise and reconciliation. Therefore, a flexible formulation of a multinational state in Sudan, with equality and dignity guaranteed for every citizen regardless of ethnicity or religion carries the promise of a peaceful resolution of Sudanese conflicts in the future (Iyob and Khadiagala, 2006: 20).

Since maintaining peace and stability and accelerating development in the aftermath of conflict requires resources, peace agreements tend to create high expectations for economic improvement. However, continuing gaps between these expectations and existing realities become a major source of social unrest and instability (Jeong, 2005: 123). This is clearly the case of Sudan four years passed since the formal end of the North-South conflict. In the 2005 Comprehensive Peace Agreement, one of the guiding principles was the promise of an equitable sharing of common wealth and resources between the parties that would confirm their strong and constructive role in

promoting post-conflict reconstruction especially in the least developed areas. However, the current scenario, especially in the South, is far from being one of self-sustained reconstruction and peace. The lesson to be drawn is clear: as important as they are, peace agreements should not be seen as an end in itself; they should rather be seen as the starting point of a long and complex peace process aimed at tackling the main and intertwined root causes of conflict. The Comprehensive Peace Agreement could actually have been an important starting point to peacebuilding in Sudan but even though the peace agenda that was put forward was very economically-focused, it ended up only benefiting some and cannot therefore be sustainable or effective in the longer term.

The increasing international business presence in Khartoum that followed the beginning of the implementation of the Comprehensive Peace Agreement, for example, may end up having a positive impact in terms of employment creation and some economic investment; however, the general feeling is that it has been quite negative since resources and benefits are being made available only for those who already lived on the positive side of the poverty line and it is not investing in the poorer groups nor helping to reach more equal socio-economic development in the country (Pronk, 2006). Such an unbalanced investment and development strategy ends up creating resentment and violence among those who continue to be excluded and if things do not change significantly, namely in the access to social and economic needs, and people continue to resent inequality, then Sudan will probably experience some very difficult times again.

6.3. Chapter conclusions

As it has been mentioned before, the Sudanese conflict is not simply about ethnic, religious or cultural differences. The ethnic and religious card, played so many times during the war by both belligerent parties is only one of the many instruments used to justify violence and delay sustainable peace initiatives according to the various political, military and economic agendas. In our view, the North-South conflict is better explained by the structural and deeper causes of economic and social neglect and inequality that have been targeting large sectors of the Sudanese population¹²⁷. In this context, there are also particular socio-economic and ideologies that have rendered peace efforts quite elusive in Sudan. According to Iyob and Khadiagala, the several post-1956 governments have failed to rectify the deep structural inequalities perpetuated by previous exploitive and discriminatory regimes, despite the many declarations and requests of equality for all Sudanese (Iyob and Khadiagala, 2006: 15).

Given this continued neglect, people in the Southern regions [as well as in others sharing the same grievances and demands] complain consistently and incessantly about the lack of services – such as education, health and water-, lack of job opportunities, barriers to access to natural resources, a general state of underdevelopment, extremely high rates of maternal and infant mortality, poverty, food insecurity, vulnerability and morbidity as well as other (Pantuliano, 2006). At the end of the day, therefore, our perception is that it is the population who is loosing, not gaining anything from the peace process since deep inequalities and

¹²⁷ As El-Battahani suggests, violent conflict has many causal factors, each one a strand in a complex web of causes that both individually and collectively precipitate, aggravate and prolong fighting. Unequal access to resources or population pressures may not by themselves cause conflict, but may react with ethno-cultural prejudice or political manipulation to fuel fighting (El-Battahani, 2006: 13).

living conditions of the population have not been considered in the implemented prevention and peacebuilding strategies. Furthermore, there is no clear reference in the Comprehensive Peace Agreement to mechanisms aimed at effectively transferring and channelling peace dividends to the population (Interviewee 5) and this can be explained by the incapacity or unwillingness of the international community to care about transformation of conflict based on the civil society level. Furthermore, many Sudanese consider that the international community is not up to its required responsibilities and it is, to a large extent, responsible for the delays and failures in the post- agreement phase. The various hidden agendas and invisibilities have also been referred to as playing a crucial role in the sustainability of peace in Sudan and in the future of the Comprehensive Peace Agreement in the sense that the goals and priorities of the various internal and external actors involved in the peace process may actually change throughout the implementation years.

But despite the problems and limitations, it is not too late for a comprehensive peacemaking effort in Sudan, but the main Sudanese parties and international actors must support inclusive and coordinated peacemaking and peacebuilding initiatives if this is to become a reality (Simmons and Dixon, 2006). This obviously implies a very important responsibility by the international community in terms of making political, economic and social conditions available, but not with imposed conditions, policies and models¹²⁸. Therefore, following the Comprehensive Peace Agreement, the immediate challenges lay in effective peacebuilding and development transformation, carefully meeting and balancing immediate needs with structural

¹²⁸ It is fundamental that we overcome a very common and concerning trend at this level of international involvement related to the fact that when we don't know how to solve a problem we tend to create, invent and apply concepts and models without necessarily considering their direct implications and impacts in the field.

change and long-term programming. In this sense, and since poverty and inequality, sustained after internal violent conflict, continue to undermine peace by breeding discontent and anger, sustainable and conscious development policies should be made integral part of any peace process. Overcoming the structural forces that create and perpetuate extreme inequality is one of the most efficient routes for overcoming extreme poverty, enhancing the welfare of society and accelerating progress towards a more effective accomplishment of the Millennium Development Goals (UNDP, 2005: 5). Development and social rehabilitation measures must thus be designed to help reduce insecurity and volatile socio-political situations that usually follow post-agreement phases (Jeong, 2005: 28)¹²⁹. Owing to a lack of human capital and the destruction of physical infrastructure, it is a challenging but priority task to reinitiate economic and social development halted by violent conflict (Jeong, 2005: 123). Neglecting social and economic development contributes to an inadvertent return to the origin of conflict and disarmament and demobilization efforts alone do not decrease the danger of re-escalation (Pugh, 2000). According to Jan Pronk, there are some conditions for peace to be possible and sustainable in Southern Sudan in the aftermath of conflict. First of all, people must feel and believe that the security situation is better than six years ago, namely with no violence; secondly, if there is less poverty, if on the basis of peace you can start to build and enjoy from social and economic development; and thirdly, if rights are guaranteed - rights of the South, of the tribes, land rights, women's rights and that make it possible to stay together

¹²⁹ Of course development cannot easily be disentangled from political transition and security. While economic growth is not sustainable without a lasting peace, economic stability is one of the main obstacles to democracy. Peace cannot be durable without equitable development that benefits the majority of people in the society, combined with income-creating opportunities for the poor. Thus, development activities must be aimed at mitigating economic hardships and reintegrating the society across ethnic, religious, racial and any other divisions (Jeong, 2005: 124).

(Pronk, 2007). In sum, no violence, less poverty and more rights will result in more peace. Following this reasoning, and as Iyob and Khadiagala correctly affirm

Peace, if it is to be sustainable, cannot simply provide for the larger and well-known communities but also nurture the expectations and aspirations for social justice and equity of those whose histories have been rendered illegible, illegitimate [and invisible] by elite groups aspiring to consolidate their hegemony in Sudan. (Iyob and Khadiagala, 2006: 26)

In this context, civil society organizations in Sudan, for example, can bridge the gap between what the Sudanese people want, and what the negotiating parties and the international community perceived was their goal (Atti, 2006), thus contributing to rendering more visible the various issues neglected and obscured both by the conflict and the various political parties involved in, and responsible for, the peace implementation process¹³⁰. There is probably no ‘one fit all’ solution for conflicts of this protracted and complex nature, but an important part of the solution should always be addressing the deeper and more structural forms of exclusion and inequality, regardless of the ethnic, religious or cultural identities. However, the dominant and more frequent ways to respond to conflict and build peace are defined and implemented without considering these factors and often end up reproducing or reinforcing those same inequalities and even creating new forms of exclusion. The episodes of communal violence that are currently ravaging Southern Sudan¹³¹ and

¹³⁰ According to Atti, it is of particular concern to see that economic deterioration, debt, political instability and ongoing conflict tend to contribute to diverting the civil society’s efforts towards addressing symptoms rather than causes, at the expense of influencing policy and legislation. In fact, he argues that since their work is reactive and vulnerable to external influence by the state or donors, the regime has sought to divert civil society attention from important issues such as human rights violations in southern Sudan and Darfur, while oil production and revenues form a ‘no-go area’ for these organizations’ activity (Atti, 2006).

¹³¹ According to local sources, in early August 2009, more than 160 people (100 women and children, 50 men and 11 SPLA soldiers) have died after a raid led by armed Southern tribal fighters on a rival

affecting the peace prospects, for example, are in our view a reflex of a ill-planned conflict resolution and post-conflict reconstruction process which undermined both the way in which visible and invisible forms of inequality and discrimination have also been created and reinforced throughout the war years and the multiplicity of factors that rendered violence in Sudan so long and protracted and. In this sense, and since the goal of [sustainable and enduring] peace demands a much more comprehensive transformation process beyond the limits of the traditional bilateral political peace brokered under the Comprehensive Peace Agreement, it is crucial that attitudes, behaviours and [policies] change (Murphy, 2006) towards more balanced and equitable human development in the whole country, and especially in the South. Human development gaps within countries reflect unequal opportunity with people being held back because of their gender, group identity, wealth or location. Extreme inequalities in opportunity and life chance have a direct bearing on what people can be and what they can do, that is, on human capabilities (UNDP, 2005: 51). Such inequalities are unjust as well as economically wasteful and socially destabilizing. In this chapter we have argued that inequality in Southern Sudan, especially the one made invisible, matters because it is a fundamental obstacle to the fulfilment of human development of the various communities and groups

group. Salva Kiir, the president of the autonomous government in the south, has blamed political agitators who he said want to show that the south cannot run itself ahead of a promised 2011 southern referendum on separation from northern Sudan (Al-Jazeera, 2009). Escalating rates of armed violence are increasingly being attributed to intertribal clashes and tribal militia. During the civil war a variety of tribal groups – including the Nuer, the Murle and the Dinka – competed for territorial and resource control in various ‘states’ of southern Sudan including Lakes, Jonglei and Eastern Equatoria. In some cases, communities armed themselves to protect their communities and families: one such group was the ‘white army’, which consisted of young Lou Nuer males who otherwise raised cattle and raided neighbouring tribes. Although not fully organised or politicised, the group was increasingly drawn into civil war owing to tacit support from Khartoum. The white army was also ill-disposed toward the SPLA who were in case dominated by the Dinka, a traditional enemy of the Nuer (Muggah *et al*, 2008).

(...) disadvantaged opportunity is wrong for intrinsic reasons: it violates basic precepts of social justice. There are also strong instrumental reasons for a concern with inequality. Deep disparities based on wealth, region, gender are bad for growth, bad for democracy and bad for social cohesion. (UNDP, 2005: 51)

Consolidating a still fragile peace, as the one currently being experienced in Sudan, thus demands a rapid, effective and visible redress of the underlying and structural causes of conflict, poverty and underdevelopment. According to Bennet, redistribution of wealth must be accompanied by building and consolidation of the governance apparatus (Bennett, 2005: 9). Without these issues dully addressed neither the donor community nor the domestic actors will be able to build and guarantee sustainable peace in the longer-term in Sudan. Recognizing and guaranteeing equal rights and opportunities to all peoples in Sudan, as well as respecting their multiple identities, is a fundamental step to achieve such an idea of peace.

***“If peace is not to elude twenty-first century Sudan, the country’s
legacy of inequities must be addressed and a more equitable and
dignified future charted out.”***

(Iyob and Khadiagala, 2006: 21)

CONCLUSION

The multiplicity of violent armed conflicts especially after the end of the Cold War has made the study and practice of conflict resolution and peacebuilding particularly

important fields. This is especially true in the context of the increasing intra-state conflicts that characterized the international system after 1989, both between different socio-ethnic and cultural groups within a national territory, and between groups who feel excluded and marginalized from existing power structures and the central authority (Omeje, 2008: 68).

The result has been a frequent classification of violent internal conflicts as 'ethnic' or 'resource' wars that are attributed simplistically, uncritically and *a posteriori*, with the consequence that they will ultimately neglect and undermine the development of more accurate and effective conflict resolution or peacebuilding options (Porto, 2008: 57).

In fact, in the current study of conflicts, priority is often given to interpretations that underline the crucial, if not decisive, role of primordial ethnic or religious identities. For the primordialist approach, ethnicity is taken for granted as a fixed characteristic of individuals and communities, as an inescapable and inevitable essential extension of the bond that unites kinship. Such characteristics basically render ethnic identity a distinct and superior form of identity. In this sense, primordialists see conflict as [always] flowing from ethnic differences and, thus, not necessarily in need of [further] explanation (Lake and Rothchild 1998 apud Porto, 2008: 58).

This primordial view, however, is a very limited one since it takes attention away from other multiple causes and dimensions that contribute to the emergence and perpetuation of conflict, namely the existence of deep rooted socio-economic inequalities among groups. Alternative interpretations of conflict thus contributed to recognising the instrumentalised and constructed nature of those identities by some actors, towards others.

Instrumentalism, on the other hand, tends to approach the ethnic identity variable in a different way, conceptualising ethnicity as a tool used by individuals, groups, or elites to obtain some larger, typically material, end (Porto, 2008: 58). According to Timothy Sisk, 'ethnic identity is socially constructed, often created or de-emphasised by power-seeking political elites in historically determined economic and social arrangements (Sisk 1996: 12 apud Porto, 2008: 58). In this sense, the potential for violent conflict basically stems from both these ideas: the role of elites in mobilizing groups and the existence of economic or social arrangements (Porto, 2008: 58). In this context, and according to Porto, the 'tyranny' of the single cause has seen permutation across what David Singer called the 'usual suspects', namely territory, ideology, religion, language, ethnicity, self-determination, resources, markets, equality or revenge (Singer 1996 apud Porto, 2008: 57).

In response to this reinterpretation of conflict dynamics and their more multidimensional nature, a more multidimensional type of response was also put forward, mainly characterised by specific tools and priorities geared to conflict and post-conflict scenarios in order to achieve long-lasting peace. Despite helping create awareness for the multiple and more complex causes of conflict, these strategies and models ended up crystallising a very unbalanced agenda of priorities, clearly favouring civil and political rights and institutions and neglecting economic, social and cultural guarantees. As a result, the application/implementation of such models and strategies in developing countries experiencing violent and enduring conflict has had mixed results and became under intense criticism due to their apparent ineffectiveness in achieving sustainable peace.

In fact, and as suggested by Woodward, the main debate concerning peacebuilding and statebuilding missions today is not so much regarding the failure to intervene but rather the failure to intervene successfully (Woodward, 2007).

Departing from this scenario, the aim of this thesis was twofold: first, to identify and discuss the dominant explanations on the origins of violent armed conflict; secondly, to critically analyse the changes and evolution in the traditional and dominant models to resolve conflicts and build peace, by stressing their limited agenda and priorities and the way in which they tend to obscure much more complex inequalities and dynamics that sustain and reproduce conflict. With this analysis, we aimed to argue that effective and sustainable strategies imply recognising and addressing the more complex inequalities at stake, suggesting the need for deconstructing simplistic views of ethnicity, religion and of the multiple actors involved in conflict.

For this purpose, we focused on the North-South conflict in Sudan where the traditional narratives evolved from a simplistic interpretation of conflict based on religious differences between a Muslim North and a Christian South to one that added the importance of more structural and visible inequalities of the Southern population and where resolution efforts culminated with the signing of a Comprehensive Peace Agreement in 2005. According to our analysis, however, these strategies are still frequently based on general and flawed assumptions that end up reproducing and perpetuating more invisible and complex group inequalities in the South and that render peace in Southern Sudan extremely fragile.

Sudan is a nation composed by 175 major ethnic and linguistic groups and other 325 smaller groups belonging to various religious traditions and making it one of the

most ethnically and linguistically diverse countries in Africa. Currently, it is estimated that thirty percent of the South's eight million people are Christian, five percent are Muslim and sixty-five percent profess other local worship systems. The North is over ninety percent Muslim but around two million of the displaced Southerners currently live in Khartoum and are, in their majority, Christian (Jok, 2007: 158).

According to Sudanese scholar Francis Deng

The civil war that has raged intermittently in the Sudan since independence in 1956 is a conflict of contrasting and seemingly incompatible identities in the Northern and Southern parts of the country.

But although the North is popularly defined as racially Arab, the people are a hybrid of Arab and African elements, with the African physical characteristics predominating in most tribal groups. This configuration is the result of a historical process that stratified races, cultures, and religions and fostered a "passing" into the Arab-Islamic model that discriminated against the African race and cultures. The outcome of this process is a polarization that is based more on myth than on the realities of the situation. The identity crisis has been further complicated by the fact that Northerners want to fashion the country on the basis of their Arab-Islamic identity, while the South is decidedly resistant. (Deng, 1995: 4)

Although conflict in Sudan has frequently been presented and explained as a war between an Arab Muslim North and an African Animist and Christian South due to existent religious and ethnic differences, we have argued that these are not enough to explain such violent and prolonged civil conflict.

In this context, and even though acknowledging the Sudanese ethnic and religious diversity, underlying this analysis is the rejection of the common premise that violence and conflicts in Sudan have simply and inevitably been a result of deep and ancient hatreds or loyalties. In fact, when attempting to apply the primordialist

framework to the long lasting conflicts in Sudan, a more accurate analysis tends to demonstrate that this is not a sufficient tool to understand and analyse the underlying conditions that have created and sustained the major episodes of violence in the history of Sudan. On the contrary, in our perspective and following El-Battahani's view, the popular assumption that African violent conflicts naturally and inevitably emanate from ethnic, tribal, religious or cultural differences is seriously flawed¹³². Contrary to what people believe, Sudan is not racially or culturally divided into clear-cut Arab-North and African-South factions (Ahmed, 2008: It is true that describing the long civil war in Sudan simply as a conflict between the Muslim and Arab North and the Christian, Animist and African South, would facilitate the understanding of the conflict, since it would merely have fulfilled the normal expectations of being faced with a conflict among civilizations¹³³ (Ribeiro, 2006: 2). Although the idea of ethnic conflict has been developed for a long time both by academics and practitioners in the area of conflict prevention and conflict resolution, consensus on to what extent ethnicity does play a primordial role is yet to be found. Therefore, one of the first assumptions of the thesis has been that the so-called ethnic conflicts may not be truly or merely ethnic in their nature, but rather highly complex, with multiple causes and therefore less easy to prevent or resolve.

During the past twenty years, an estimated one million people in Sudan died because of the combined effects of brutal war, forced relocation, disease, and famine due to crop destruction, raiding and bombing of civilian targets and livelihood sources

¹³² In El-Battahani's opinion, most ethnic dichotomies appear to be a consequence rather than a cause of violent conflict (El-Battahani, 2006: 13) and that the longer a conflict persists, the more these factors come to play a role as a principle of political solidarity and mobilization (El-Battahani, 2006).

¹³³ The same would be repeated in Darfur in a superficial reading seeing it as a conflict between Arabs and Africans or, following other social and economic parameters which also have some ethnic features, between farmers and herders, nomadic and sedentary populations (Ribeiro, 2006: 2).

(fields, cattle herds), and the prevention of people from farming the land (Abbink, 2004). The United Nations also estimates that conflict and drought have left 6.7 million Sudanese displaced, including some 550.000 refugees and displaced (Malik, 2005: 31)¹³⁴.

As it has been mentioned above, it is our assumption that the ethnic and cultural dichotomies that characterize Sudan do not necessarily explain in full the conflict that arose between North and South. According to Abdel Ghaffar Ahmed, it is only when these factors are combined with resources and wealth differentials or the perceived sense of group inequalities, or other socio-economic conditions, that they account for, and may actually cause violent conflict (Ahmed, 2008: 74). Sudan is, in fact, an example of deep group inequalities (with Southerners being heavily deprived from access to resources and rights), historically characterized by a flawed political economy largely dependent on cheap and unfree labour, and in where those categories of 'unfreedom' have been continually reproduced, not only by the government itself, but also by the various international aid models and agencies (Keen, 1994). In this sense, understanding the North-South conflict and violence demands a broader analysis of the socio-economic inequalities derived from

¹³⁴ In addition to the human and material costs of violent conflict, violence introduced variables of a psychosocial nature, which require extensive and long-term peacebuilding and reconciliation in the societies in question long after the formal conflict has ended (Porto, 2008: 47). The task of peaceful reconciliation is extremely difficult but of fundamental importance for long-term peace. In this sense, and following the work of Paul Murphy, during the next few years, sensitive, informed and appropriate external [and internal] support for grassroots peacebuilding and reconciliation efforts should be stimulated and reinforced. The next phase of support for community peacebuilding and reconciliation initiatives must intensify the organization and institutionalisation of the process and engage the various government levels and grassroots representatives in dialogue over the collaborative roles and responsibilities of government, customary institutions, civil society, churches, [local population] and external actors in a people-led peacebuilding framework and around a common vision for security and peace (Murphy, 2006).

culturally and regionally imposed political marginalisation and its economic effects leading to grievances and instability.

As Joseph Hanlon has suggested, Sudan's recurring civil wars are a product of various intertwined factors (Hanlon, 1996). First of all, he points out the patterns of governance which developed in the Sudanic states before the nineteenth century, establishing an exploitive relationship between the centralising power of the government in Khartoum and its hinterlands or peripheries, mainly through the institutions of slavery and slave raiding, creating groups of peoples with a lastingly ambiguous status in relation to the state; secondly, the introduction of a particular form of militant Islam in the late nineteenth century which further sharpened the divide between persons with and without full legal rights within the state (and which was particularly acute towards Southerners); thirdly, the creation and aggravation of inequalities in the economic, educational and political development within the colonial state of the twentieth century (which often built upon earlier patterns); and finally, the reluctance to address these disparities and guarantee the conditions in the South for the safeguard of their interests, rights and resources (Hanlon, 1996).

What comes clear from this analysis is that there is no single and isolated cause for the North-South conflict, since a complex set of interrelated factors drove the war for more than two decades. Historical grievances, feelings of exclusion and marginalization, demands for an equitable and fair sharing of power between different groups, inequitable distribution of economic resources and benefits, underdevelopment, the absence of a genuine democratic process and other governance issues are all interlocking factors to the conflict, but none of them is a sole or primary cause.

But even despite this multiplicity and complexity of factors, our argument has been that social and economic factors play a crucial triggering role in the emergence of violent conflict, especially when these are associated with continued patterns of horizontal discrimination between groups. In fact, and as it has been demonstrated in previous chapters, unequal access to resources and services and disparities in resource distribution, which have been exacerbated by the long standing failure of national leaders to address the grievances stemming from the South ever since independence, did play an active role in feeding and aggravating this conflict (Pantuliano, 2006).

Furthermore, the perception by some groups that there are strong inequalities of economic opportunities and access to resources, as well as significant differences in the living standards between groups does in fact contribute to a sense of grievance (Porto, 2008: 64) and contribute to the deterioration of inter-group relations, increasing the propensity for [violent] conflict (Porto, 2008: 65)¹³⁵.

Despite this multiplicity and complexity of causes of violent conflict, it has generally been agreed that the international community has made progress in recent years in its capacity to address internal conflict and plan and implement the appropriate phases and strategies of a peace mission. According to some authors, for example, the Comprehensive Peace Agreement actually attempted both to heal a deeply divided and unequal society by addressing the root causes of violent armed conflict and to resolve issues that could not be decided by military means (Stiansen, 2005: 24). However, and without wanting to diminish the importance and value of the Comprehensive Peace Agreement in putting a formal end to the conflict between

¹³⁵ These patterns of discrimination are also important at the cultural level, through the limitation of the access to education, recognition of minority languages or religions, social stereotyping, among others (Porto, 2008: 65).

North and South, it seems clear that the fundamental issues of socio-economic inclusion and equality have not been effectively tackled and/or incorporated in the external and internal peace efforts in Sudan. There has been a focus on short-term crisis management rather than long-term development and insufficient attention to building capacity. Simultaneously, there has also been near-complete lack of long-term economic investment for development in the South. Such weaknesses will need to be minimised or eliminated if peace is to be successfully implemented in Sudan (Sørbo, 2005: 14).

Despite the many expectations, and according to people involved in the peace process, the Comprehensive Peace Agreement is not really comprehensive in the way that it does not include the perceptions and reality of all the Sudanese population, its different sectors and groups and it does not take into account the rest of the national peace and conflict dynamics (for example in the East or in Darfur) (Abdelgadir, 2008). Also it seems that no significant efforts have been made in order to transcend the existent [and often constructed and instrumentalised] racial identities in a way that could have institutionalised equal and universal citizenship guarantees instead of ethnic, racial or religious entitlements (Idris, 2005: 111).

For example, political and socio-economic ideas that were advanced to allow for alternative options to deal with the deliberate socio-economic and political marginalisation of some communities and regions due to cultural and identity biases, were ignored or made vague in the word of the Agreement and as a result, ultimately contributed to several limitations and fragilities both in content and in the implementation phase. The scenario is thus one in which peace remains extremely fragile. Therefore, and as argued by Iyob and Khadiagala, peace agreements that are

comprehensive in name but only partial in their [provisions] and applicability, such as the Comprehensive Peace Agreement, will never be enough to tackle the deep-rooted causes of conflict and the grievances of Sudan's multiple communities (Iyob and Khadiagala, 2006: 16).

While due note has been taken that conflict is a part of human existence and can manifest itself both negatively and positively, there is evidence that mechanisms can be put in place to prevent violent conflicts through resort to peace building and conflict resolution instruments, in order to facilitate peaceful coexistence among the various groups and peoples living in the same country. However, according to Chabal et al, conflict prevention efforts are too often dominated by reactive policies and very few interventions are designed and implemented with a prophylactic, precautionary or protective purpose (Chabal et al, 2005: 223).

Furthermore, the priority given to demands at the level of civil and political rights and the neglect of social and economic rights guarantees to all the Southern population within the negotiation agenda by most external actors involved also did not help achieving an outcome more favourable to the creation of sustainable socio-economic structures in the South. The adoption of a liberal peace agenda focused on the political pillars of conflict to peace transitions in post-conflict scenarios has actually been a common trait in the various external interventions in peace and peacebuilding processes. In our view, however, and despite the importance of sustainable and solid political guarantees in peace efforts, limiting the agenda of priorities to neo-liberal goals of democracy, power-sharing, political participation and security in contexts where socio-economic inequalities are deep and persistent is a strategy that does not promote peace nor fulfills the legitimate expectations of the

population in the aftermath of conflict. If the goal is not merely the restoration of an old order, promotion of peace should lead to facilitating change and empowerment of the most marginalized, rather than a return to status quo. Therefore, simply providing order does not guarantee the right to justice and dignity, especially if it does not allow the expression of needs and grievances in a constructive manner. In Sudan, for example, the experience of the past few years has underscored the view that without stability [and structural peace] at the local level, any peace achieved only at the political level remains extremely unsafe (Murphy, 2006). Peacebuilding efforts should rather be based on the expectation that long-term security interests are served by the consolidation of a just and equitable society (Jeong, 2005: 21).

As Sambanis wisely puts it, not all civil wars are the same and that each war is as different as the society that produced it (Sambanis, 2001: 259). There are different types of internal conflict and such difference must be taken into due account when serious analysis of their causes is to be undertaken. Quoting Michael Brown

The search for a single factor (...) that explains everything is comparable to the search of the Holy Grail- noble, but futile (Brown, 1997: 4).

Being serious about this is crucial if one is to be serious in our effort to help prevent and resolve conflicts and therefore overcoming this limited view of things should be the primary aim and challenge for all researchers.

Bearing this in mind, and taking Sudan as the case-study, this analysis thus attempted to contribute to a broader and deeper understanding of the origins of the country's multiple and recurring civil wars. Throughout this analysis, we have attempted not only to shed some light on the true impact of ethnic diversity on the emergence

conflict, but also and above all on the crucial role played by other variables, such as socio-economic inequality and discrimination of particular groups and on the crucial task of addressing them effectively.

Our focus was clearly on the underlying causes and factors that are not usually addressed, such as socio-economic inequality and marginalisation among different groups, and which may undermine the achievement of a definitive and lasting peace in the country. The goal was not to develop a general and universal panacea for conflicts sharing some of these characteristics, but rather to draw attention to the need for a better and deeper understanding of the complex and multiple dynamic causes behind apparently indisputable 'ethnic wars', an understanding that goes beyond simplistic and limited approaches to conflict. Of course it may always be easier to label certain conflicts as ethnic and therefore inevitable and impossible to prevent or resolve, since it does save the necessary effort to go deeper in the field. The assumption that ancient hatreds will always breed barbarian wars in which nobody should or could effectively interfere is a dangerous one, especially in an international scenario that is already so highly polarised. The ethnic label is also a beneficial and very handy instrument for many groups and individuals profiting from conflict, since it gives them the perfect excuse to resort to violence in defence of an inalienable historic identity that must be preserved at all costs.

At the end of the day, however, it is the common and poorer people who suffer the most with primordial and/or instrumental view of the conflict, having their basic rights curtailed, often irreversibly. It is against this state of things that a new approach to conflict with both an ethnic and socio-economic component becomes fundamental.

Throughout the war years, there were voices in the South that considered these North- South political, cultural and socio-economic dichotomies and differences as part of the Sudanese reality, but as something that could be righted and corrected with equal, just and correct national policies that emphasized equal citizenship and opportunities (Jok, 2007: 184).

The Sudanese people, especially in the South, have proved to be resilient in their demands for peace, but unless the historical grievances of oppressed sections of the population are redressed, a new social contract is negotiated within a framework of political restructuring, and a conducive environment created for a just political and economic system which accommodates the interests and rights of all, the perspectives of peace will continue to be very fragile (El-Battahani, 2006: 13).

In Sudan - as in many other contexts- such an approach entails immense challenges and obstacles.

As Margarida Calafate Ribeiro has written elsewhere, without having ever know peace or democracy, with a six-year period to implement the peace deal with the South, shadowed by a possible division of the country after the referendum to confirm or not the union of the country in 2011, with a humanitarian crisis in Darfur which will prolong its devastating effects for years to come, with a non-democratic, Islamist and militarised government, now modelled to share power with a former rebel group, mainly Christian and authoritarian, with a financial sector dominated by the so-calling 'religious economy', moved by the great Islamic banks and in need of international and regional stability, Sudan will continue to challenge political analysts (Ribeiro, 2006: 9).

But despite the challenges, and as Iyob and Khadiagala argue, it is of crucial importance that those seeking to understand and resolve the conflicts in Sudan and the obstacles to peace must adjust their analytical lenses to include the socio-political grievances of past centuries with the contemporary demands for economic redress and political enfranchisement (Iyob and Khadiagala, 2006: 65).

The multiple conflicts that have ridden Sudan have been triggered by the demands for equal citizenship and social justice (Iyob and Khadiagala, 2006: 15). In this sense, in the case of Sudan, unless these socio-economic injustices are fully addressed and tackled and all Sudanese are guaranteed equal social and economic rights, as well as civil and political, the prospects of peace will always be vague and limited.

‘The conflicts in Sudan affect the needy, the greedy and all those who seek peace with dignity. The efforts to bring closure to the North-South war may be the first to pave the way to guarantee the rule of law in the country, but a just peace will never be attained unless there is a public acknowledgement of the past injustices and true commitment to a future of reconciliation.’

(Iyob and Khadiagala, 2006: 62).

When peace comes, the outside world will come and help build roads and schools. When peace comes, children will not have to be soldiers anymore. When peace comes, refugees will be able to return home.’

(Testimonies of Sudanese people after the CPA).

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Interviewee 3

Interviewee 4

Interviewee 5

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ANNEXES

ANNEX II

The main actors in the conflict¹³⁶

Leaders

Omar Hasán Ahmad al- Beshir

He is the President of the government of Khartoum ever since he took power through a military coup supported by Turabi's National Islamic Front in 1989. Beshir was born in the North of Sudan and as a military participated in the campaigns against the rebels of the South. Under his government he applied the *shari'a* in the whole country and its privileged relation with Iran provoked an increasing international isolation, accused of sponsoring international terrorism. He was declared President by the Revolution Command Council in 1993 and later, in 1996 and 2000, re-elected in severely criticized elections due to alleged fraud.

Hasán al Turabi

Also known as "Sudan's Machiavelli", Turabi has been the government's ideologue, Bashir's mentor and the main promoter of an extremist version of Islam in the country. Turabi was behind the government ever since the military coup in 1989 and was also responsible for the pressure to apply the *shari'a*. The growing internal tensions between Bashir and Turabi ended up with the latter leaving the government in 2001. Turabi founded a new political party and is allegedly currently supporting the Movement for Justice and Equality in Darfur.

¹³⁶ Adaptated from Sosa, Rodrigo (2004) Sudán, un conflict sin fin, in *Papeles de Cuestiones Internacionales*, N° 86, pp.123-137.

John Garang

Garang was, for decades, the historical Christian leader of the Southern rebel forces. He ethnically belongs to the Dinka people which constitute the main basis of the Sudan People's Liberation Movement/Army. Before the rebellion in 1983, Garang integrated Sudan's Armed Forces and he was trained in the USA. He has also been the permanent representative of the Sudan People's Liberation Movement/Army in the peace negotiations in Kenya. John Garang died in a helicopter accident in October 2005 a few months after the signing of the Comprehensive Peace Agreement.

Political Parties

National Congress Party

It is the government's party. Although in theory there are other political parties in the country, in practice, Khartoum governs under a single-party regime.

National People's/Popular Congress

It is a recently created party, after the National Islamic Front and was created by the charismatic leader Hasán al Turabi.

National Islamic Front

It is the historic formation of Hasán al Turabi and was the main support of the government ever since the military coup in 1989 and also the vehicle to promote the application of radical Islam in the country.

Armed groups

Sudan People's Liberation Movement/Army (SPLM/A)

It is the country's main rebel group. It was involved in the civil war between the North and the South that erupted in 1983. The SPLM/A has claimed a large autonomy for the south of Sudan, although it never showed clear intentions of independence. Its historic leader, Christian John Garang, signed the peace agreement with the government in May 26, 2004, and the CPA in 9 January 2005.

Janjaweed

These are the Arab militias which have undertaken brutal attacks in the Darfur region. The word '*janjaweed*' has traditionally been used to refer to bandits or criminals and are integrated mostly within the nomad Arab groups of Darfur and Chad. There have been accusations of being directly connected to the government in Khartoum, which is apparently financing and supporting these militia's attacks.

Sudan Liberation Army (SLA)

This force has been created in Darfur to combat the discriminatory policy of the central government. It is basically composed of members of the African ethnic groups Fur, Masaaleit and Zaghawa, majority in the region. The group claims a serious response to the chronic underdevelopment of the region and the end of the attacks of the Arab militias. In the beginning, the SLA was receiving support from the SPLM/A, such as training and, most probably, guns. This support appears to have

been suspended with the beginning of the peace negotiations. The SLA has been particularly active in fighting the militias and governmental forces since 2003.

Justice and Equality Movement (JEM)

Also created in Darfur in the beginning of 2003, this rebel group includes ex-members of Turabi's Islamic National People's/Popular Congress. In the beginning, the differences between Darfur's rebel forces, JEM and SLA provoked their serious opposition and confrontation.

Regional Actors

Chad

This neighbouring country is very much connected to the conflict in Darfur since it shares a 1350km frontier with this Western region of Sudan which the militias and the population cross. Ever since the beginning of the crisis, and despite its fragile economic situation, Chad had to receive more than 150000 refugees from Sudan, with the subsequent saturation and resource scarcity, namely drinkable water. The bordering region of Chad registers an ethnical division similar to that one in Darfur, with Arab nomads in the north and Africans in the south, a fact that has contributed to a *spill-over* of the conflict to Chadian territory.

International Community

United States of America

Washington has long been a key actor in Sudan. Its pressures on the government and the rebel groups have resulted effectively and made possible the

recent peace agreement with the south through which Bush Administration is trying to improve its reputation internationally. Nevertheless, the situation in Darfur managed to limit and cover the success of the diplomatic efforts between the north and the south. Bush has agreed with the G8 in the need to pay attention to what is happening in Darfur putting pressure in the government in order to put a halt to the militia's attacks.

United Nations

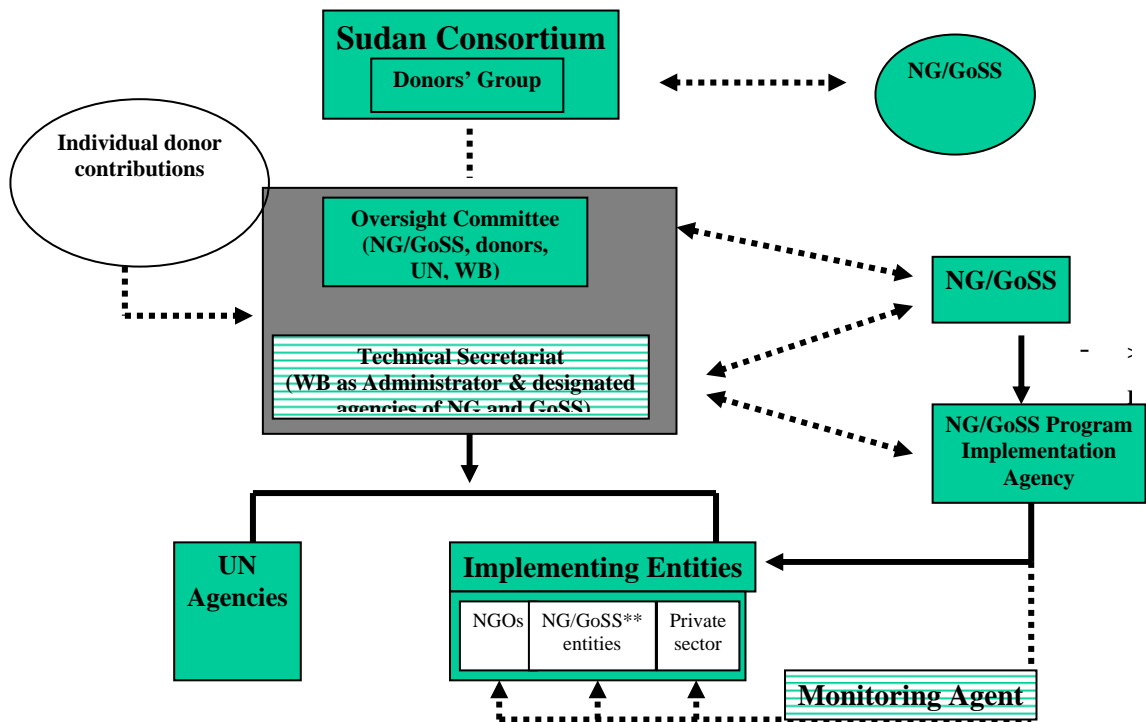
The rapid evolution of the crisis in Darfur, with all the efforts concentrated in the peace process in the South, took the UN by surprise. Some of its agencies, like the ACNUR or WFP, started alerting to the situation characterised by a growing number of internally displaced persons in the region and refugees in the bordering states. The multiple denounces of humanitarian and human rights organisations have arrived to the UN Secretary General, Kofi Annan, who presented a report on Darfur at the Security Council. Nevertheless, the UN has not been successful in imposing enough and effective pressure on the regime of Khartoum.

China

China is Sudan's major external investor and commercial partner, currently holding the biggest oil concession in Southern Darfur. It is also an important weapon seller and has therefore been opposing to sanctions and action against Sudan within the Security Council.

ANNEX III

Figure: Illustrative Structure of an MDTF for NG/GoSS



* This chart relates only to the governance outline of the MDTF. A suitable advisory body to the NG/GoSS, as well as the broader links to the government program and budget, are assumed but not included in this chart.

** Including line ministries and local governments

Source: Memorandum of the President of the International Bank for Reconstruction and Development and to the Executive Directors on a proposal for the World Bank to administer two Multi-Donor Trust Funds for Sudan, March 17, 2005.

ANNEX IV

Summary Table of Findings Sudan Household Health Survey (SHHS), 2006				
Background characteristics	Education			Primary school attendance rate of secondary school-age children (male and female)** (%)
	Secondary school net attendance rate (NAR) *			
	Male (%)	Female (%)	Total (%)	
State				
Northern	33.2	45.8	38.7	34.4
River Nile	32.4	52.6	41.6	31.0
Red Sea	26.8	32.3	29.2	26.3
Kassala	14.5	20.4	17.2	30.5
Gadarif	10.3	14.8	12.3	39.2
Khartoum	34.3	42.8	37.9	36.9
Gezira	29.7	41.6	35.4	39.8
Sinnar	14.7	20.8	17.7	35.3
Blue Nile	6.8	6.5	6.7	40.1
White Nile	17.2	21.0	19.1	46.2
N. Kordofan	14.2	22.1	18.3	38.3
S. Kordofan	8.5	7.4	8.0	46.8
N. Darfur	13.6	24.5	18.2	53.7
W. Darfur	11.3	8.9	10.2	43.7
S. Darfur	12.5	13.7	13.0	44.9
Jonglei	0.5	1.7	0.9	11.7
Upper Nile	4.8	0.0	3.0	20.7
Unity	0.0	0.0	0.0	4.7
Warab	0.9	0.0	0.5	12.6
NBG	0.4	0.6	0.5	7.0
WBG	0.5	0.0	0.3	11.1
Lakes	0.6	0.0	0.3	14.4
W. Equatoria	2.4	2.9	2.6	57.9
C. Equatoria	16.1	6.6	12.3	44.1
E. Equatoria	1.4	2.9	2.1	19.6
SUDAN	16.5	21.9	18.9	35.5
Age of child				
15	9.7	14.6	11.6	45.5
16	19.4	24.2	21.6	33.8
17	22.7	26.1	24.3	25.8
Mother's education level				
None	15.5	22.0	18.3	37.8
Primary	19.7	22.1	20.8	31.2
Secondary+	18.2	25.6	21.4	34.9
Wealth index quintiles				
Poorest	1.9	0.4	1.3	17.6
Second	2.7	3.4	3.0	31.2
Middle	8.0	10.1	8.9	42.3
Fourth	19.0	27.9	23.0	47.0
Richest	46.1	53.3	49.5	35.2
*SHHS indicator 45: secondary school net attendance rate (NAR) (Proportion of children of secondary-school age currently attending secondary school)				
**SHHS indicator 46: Primary school attendance rate of secondary school-age children (Proportion of children of secondary-school age attending primary school)				

Summary Table of Findings Sudan Household Health Survey (SHHS) Indicators, 2006					
Background characteristics	Primary school entry (Net intake rate in primary education)*	Primary school net attendance rate (NPSAR)**			Gender parity index for primary school NAR)***
		Male (%)	Female (%)	Total (%)	
Sex					
Male	31.6			87.8	
Female	27.5			86.3	
State					
Northern	51.4	87.8	86.3	87.0	0.98
River Nile	69.8	91.9	90.4	91.1	0.98
Red Sea	48.0	67.4	71.4	69.5	1.06
Kassala	23.9	53.1	48.3	50.7	0.91
Gadarif	28.3	61.0	55.5	58.1	0.91
Khartoum	66.9	88.1	84.6	86.3	0.96
Gezira	53.9	85.9	82.0	83.9	0.95
Sinnar	33.3	71.9	61.1	66.6	0.85
Blue Nile	26.1	57.5	47.9	52.9	0.83
White Nile	35.0	76.4	71.2	73.8	0.93
N. Kordofan	35.3	70.7	64.7	67.6	0.91
S. Kordofan	25.9	59.6	47.2	53.3	0.79
N. Darfur	26.4	68.3	66.0	67.1	0.97
W. Darfur	20.8	53.7	39.5	46.4	0.74
S. Darfur	22.5	60.3	52.5	56.3	0.87
Jonglei	6.6	10.8	8.6	9.7	0.80
Upper Nile	8.1	24.2	20.9	22.8	0.86
Unity	1.9	4.5	4.0	4.3	0.87
Warab	2.0	9.2	6.1	7.7	0.66
NBG	1.0	7.8	3.4	5.7	0.43
WBG	4.8	10.5	6.4	8.7	0.61
Lakes	3.9	14.2	8.6	11.3	0.60
W. Equatoria	15.4	47.2	42.9	44.9	0.91
C. Equatoria	20.0	44.2	41.7	43.0	0.94
E. Equatoria	5.6	14.6	13.2	13.9	0.91
SUDAN	29.5	55.7	51.7	53.7	0.93
Age of child					
7		34.4	32.1	33.2	
8		42.4	40.0	41.2	
9		57.1	54.7	56.0	
10		58.4	53.2	55.8	
11		69.5	65.9	67.7	
12		62.7	59.5	61.2	
13		67.3	62.5	64.9	
14		62.7	55.6	58.6	
Mother's education					
None	30.3	56.0	52.0	54.0	0.93
Primary	30.5	57.0	49.9	53.5	0.88
Secondary+	28.3	52.2	50.0	51.1	0.96
Wealth index quintiles					
Poorest	9.0	22.4	16.4	19.4	0.73
Second	15.1	36.1	30.4	33.3	0.84
Middle	23.8	58.7	52.8	55.7	0.90
Fourth	51.2	83.6	82.0	82.8	0.98
Richest	71.0	93.6	92.1	92.9	0.98

*SHHS indicator 42: Net intake rate in primary education (Proportion of children of primary school-entry age who are currently attending first grade in primary school)

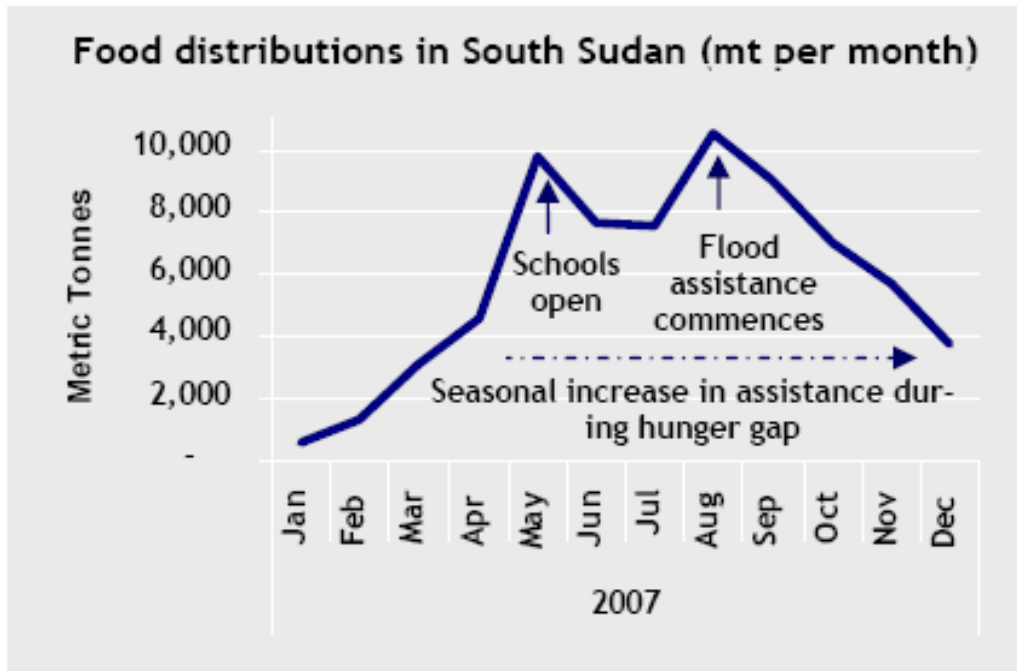
**SHHS indicator 43: Primary school net attendance rate (NAR) (Proportion of primary school-age children currently attending primary school)

***SHHS indicator 44: Gender parity index for primary school NAR (Ratio of primary school-age girls to boys currently attending primary school)

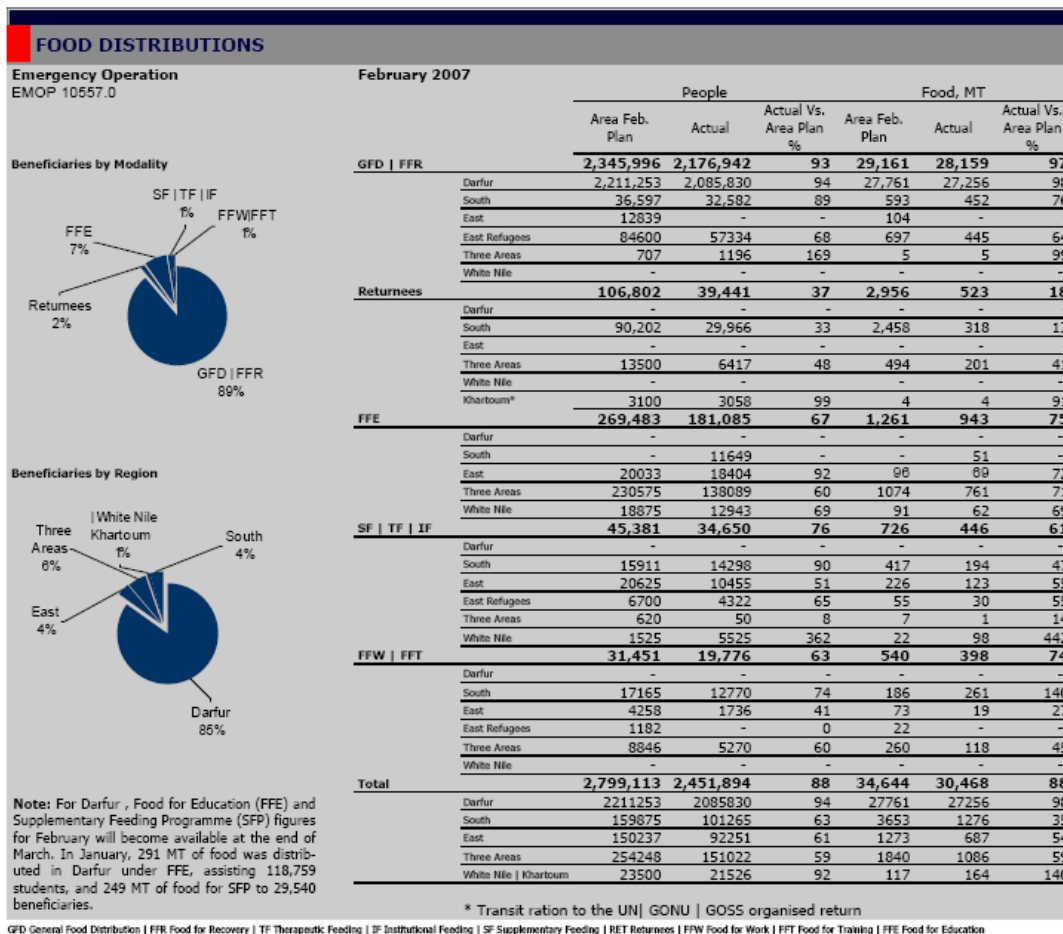
Summary Table of Findings Sudan Household Health Survey (SHHS) Indicators, 2006					
Background characteristics	Water and Sanitation				
	Use of improved drinking water sources* (%)	Appropriate water treatment (all drinking water sources)** (%)	Time to source of drinking water (in minutes)*** (%)	Use of Sanitary means of excreta disposal**** (%)	Use of improved drinking water sources and sanitary means of excreta disposal***** (%)
State					
Northern	80.3	2.1	23.0	79.7	68.3
River Nile	73.8	1.3	27.9	83.2	62.9
Red Sea	33.1	2.4	84.9	51.3	22.3
Kassala	36.7	5.9	67.1	38.9	25.6
Gadarf	37.3	0.8	28.0	14.6	9.6
Khartoum	79.4	2.4	32.6	78.0	65.5
Gezira	77.9	0.7	28.2	31.9	30.2
Sinnar	80.7	0.4	30.7	26.1	23.1
Blue Nile	40.5	3.0	35.7	10.7	5.7
White Nile	46.4	1.4	65.4	31.0	22.5
N. Kordofan	47.0	1.3	45.8	28.3	21.5
S. Kordofan	60.2	0.1	38.9	14.2	7.2
N. Darfur	48.2	1.0	45.9	32.2	20.6
W. Darfur	39.6	1.9	28.8	29.8	18.5
S. Darfur	43.9	0.5	43.9	20.1	11.4
Jonglei	22.2	7.0	54.2	5.0	1.4
Upper Nile	60.0	12.4	45.3	7.5	4.9
Unity	57.1	8.1	42.5	5.5	3.6
Warab	61.2	6.4	32.9	1.9	1.9
NBG	48.8	16.5	42.5	5.3	3.1
WBG	37.2	37.5	36.4	8.5	4.4
Lakes	67.4	11.6	52.1	5.6	3.8
W. Equatoria	35.1	30.4	53.6	11.2	2.4
C. Equatoria	36.6	20.2	57.6	13.6	5.8
E. Equatoria	59.3	2.3	36.2	5.0	3.9
SUDAN	56.1	4.5	42.9	31.4	23.8
Education of household head					
None	49.4	5.3	45.3	17.4	11.8
Primary	59.6	3.4	41.2	39.3	29.6
Secondary+	72.2	4.4	36.6	60.4	49.5
Wealth index quintiles					
Poorest	48.0	5.8	50.2	3.4	2.1
Second	43.7	7.1	44.4	9.7	5.4
Middle	42.1	4.6	40.8	18.7	10.9
Fourth	59.4	1.7	31.1	45.5	30.2
Richest	87.1	3.3	28.4	79.1	69.6
*SHHS Indicator 37: Use of improved drinking water sources (Proportion of household members living in households using improved sources of drinking water – piped water, public tap, borehole/pump, protected well, protected spring, rainwater).					
**SHHS Indicator 38: Appropriate water treatment (Proportion of household members using water that has been treated to make it safer to drink)					
***SHHS Indicator 39: Time to source of drinking water (Proportion of households taking one hour or more to go to source of drinking water, get water and return)					
****SHHS Indicator 40: Use of sanitary means of excreta disposal (Proportion of household members using improved sanitation facilities (toilet connected to sewage system; any other flush toilet; improved pit latrine; traditional pit latrine).					
*****SHHS Indicator 41: Use of improved drinking water sources and adequate sanitary means of excreta disposal (Proportion of household members using improved drinking water sources and using sanitary means of excreta disposal)					

Source: Sudan Household Health Survey (SHHS) and Millennium Development Goals (MDG) Indicators, Sudan, 2006 (<http://www.irinnews.org/pdf/pn/SHHSreport.pdf>)

ANNEX V



Source: World Food Programme Sudan. Monthly Situation Report, Issue 2007/12: December.
<http://www.unsudanig.org/docs/WFP%20Sudan%20Monthly%20Situation%20Report%2010557.0%20-%20December%202007.pdf>



Source: World Food Programme Situation Report, Issue 2007/2: February.
<http://www.unsudanig.org/docs/WFP%20Sudan%20EMOP%2010557%20February%202007%20MonthlyReport.pdf>

ANNEX VI

TABLE: USUAL SOURCES OF DIFFERENTIATION AMONG GROUPS

CATEGORIES OF DIFFERENTIATION	POLITICAL PARTICIPATION	ECONOMIC ASSETS	EMPLOYMENT AND INCOMES	SOCIAL ACCESS AND SITUATION
Elements of categories	Political Parties	Land	Government	Education
	Government, Ministers, senior	Human capital	Private	Health services
	Government, Ministers, junior	Communal resources, inc. water	'Elite' employment	Safe water
	Army	Minerals	Rents	Housing
	Parliament	Privately owned capital/credit	Skilled	Unemployment
	Local Government	Government infrastructure	Unskilled	Poverty
	Respect for Human Rights	Security against theft	Informal sector opportunities	Personal and Household security

Source: Stewart, Frances (2000) Crisis Prevention: Tackling Horizontal Inequalities, *Working Paper Series*, No.33, Oxford, Queen Elizabeth House, University of Oxford, 8.

ANNEX VII

Status of the Millennium Development Goals in 2008

MDG 1 Eradicate Extreme Poverty and Hunger

Indicators	Northern Sudan	2015 Target	Southern Sudan	2015 Target
Estimated poverty incidence (% of total population) *	50%	45%	90%	45%
Prevalence of child malnutrition (underweight for age; % under 5)*	35%	16%	48%	24%
Prevalence of acute child malnutrition * (underweight for weight; % under 5)	16%	8%	21%	11%

MDG 2 Achieve Universal Primary Education

Indicators	Northern Sudan	2015 Target	Southern Sudan	2015 Target
Gross primary enrolment ratio***	62%	100%	20%	100%
Percentage of cohort completing primary school***	21%	100%	2%	100%
Adult literacy rate **	60-70%	25% ₁	(North and South)	

MDG 3 Promote Gender Equality and Empower Women

Indicators	Northern Sudan	2015 Target	Southern Sudan	2015 Target
Ratio girls to boys in primary education***	88%	100%	36%	100%
Women's literacy rate	62%	-	12%	-
Percentage of women in National Assembly/Council of States	19%	-	4%	25%

MDG 4 Reduce Child Mortality

Indicators	Northern Sudan	2015 Target	Southern Sudan	2015 Target
Under-5 mortality rate (per 1,000)*	105	35	126	83
Infant mortality rate (per 1,000 live births)*	70	-	89	-
One-year-olds immunized against measles ***	78%	-	20.2%	-

MDG 5 Improve Maternal Health

Indicators	Northern Sudan	2015 Target	Southern Sudan	2015 Target
Maternal mortality ratio (per 100,000 live births)	638	127	2,054	425
Birth attended by skilled health staff *	57%	90%	5%	90%

MDG 6 Combat HIV Aids, Malaria and other diseases

Indicators	Northern Sudan	2015 Target	Southern Sudan	2015 Target
Contraceptive prevalence (% of women ages 15-49)***	7%	-	< 1%	-
HIV Prevalence (% adults ages 15-49)*	1.6%	-	2.3%	-
Incidence of TB (per 100,000 per year)***	90	-	325	-
Children under 5 with fever treated with anti-malarials (%)	54.2%*	-	36%***	-

MDG 7 Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources

Indicators	Northern Sudan	2015 Target	Southern Sudan	2015 Target
Access to improved drinking water source (% of population)*	58.7%	85%	48.3%	75%
Access to improved sanitation (% of population) *	39.9%	67%	6.4%	53%

MDG 8 Develop a Global Partnership for development

Progress in Sudan

- The Darfur crisis is currently preventing progress in global partnership,
- To achieve the MDGs, Sudan will need to make significant investments to build the capacity of human resources, infrastructure and institutions as well as to mobilize resources to bridge the financial gap.
- It is necessary that a continuous and sustained effort by the Sudanese people, its governments, and the international community is exerted to achieve MDG8.

Source: Adapted from the United Nations Development Programme Sudan, http://www.sd.undp.org/mdg_fact.htm#1, [29 August, 2009].

ANNEX VIII

COMPREHENSIVE PEACE AGREEMENT (2005)



The Comprehensive Peace
Agreement

Between

The Government of The Republic
of The Sudan

and

The Sudan People's Liberation
Movement/Sudan People's
Liberation Army

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LIST OF ABBREVIATIONS

AA	Abyei Area
AAC	Abyei Area Council
AASC	Abyei Area Security Committee
ABC	Abyei Boundaries Commission
A/C	Account
AEC	Assessment and Evaluation Commission
AJMC	Area Joint Military Committee
ARC	Abyei Referendum Commission
ASAs	Agreement on Security Arrangements
AU	African Union
Bde Hqs	Brigade Headquarters
BGR	Bahr El Ghazal Region
BNL	Bicameral National Legislature
BOD	Board of Directors of the Central Bank of Sudan
BOSS	Bank of Southern Sudan
BRA	Banking Regulatory Act
CAA	Chief Administrator for Abyei
CA	Courts of Appeal
CBOS	Central Bank of Sudan
CC	Constitutional Court
CCA	Comprehensive Ceasefire Agreement
CFA	Ceasefire Agreement
CFM	Ceasefire Modalities
CID	Criminal Investigation Department
CJMC	Ceasefire Joint Military Committee
CPA	Comprehensive Peace Agreement
CPC	Ceasefire Political Commission
CPMT	Civilian Protection Monitoring Team
CRC	Convention on the Rights of the Child
CS	Civil Service
CSR	Convention on Status of Refugees

CSS	Constitution of Southern Sudan
DD	D-Day
DDR	Disarmament, Demobilization and Reintegration
DDRR	Demobilization, Disarmament, Re-Integration and Reconciliation
DG	Deputy Governor
DOP	(IGAD) Declaration of Principles
EC	Electoral Commission
EC	Executive Council
ECM	Executive Council of Ministers
FFAMC	Fiscal and Financial Allocation and Monitoring Commission
FOB	Free on Board
FX	Foreign Exchange
GONU/GNU	Government of National Unity
GOS	Government of the Republic of Sudan/Government of Sudan
GOSS	Government of Southern Sudan
GST	General Sales Tax
HDI	Human Development Index
HQ	Headquarters
HRC	Human Rights Commission
ICHPR	International Charter on Human and Peoples Rights
ICRC	International Committee of the Red Cross
ID	Identity Card
IDPs	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development
IMF	International Monetary Fund
IMS	IGAD Member States
INC	Interim National Constitution
Inf. Bn.	Infantry Battalion
IP	Interim Period
IPF	IGAD Partner's Forum
JAM	Joint Assessment Mission
JAM CCG	Joint Assessment Mission Core Coordination Group

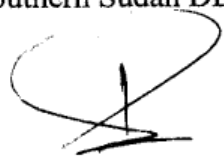
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JDB	Joint Defence Board
JIU	Joint/Integrated Units
JMC	Joint Military Commission (for the Nuba Mountains)
JMTs	Joint Military Teams
JNTT	Joint National Transition Team
JSS	Judiciary of Southern Sudan
LEC	Local Executive Council
LG	Local Government
LICUS	Low Income Countries Under Stress
M-Day	Mandate Day (UN)
MDTF	Multi-Donor Trust Fund
MDTFs	Multi-Donor Trust Funds
MEM	Ministry of Energy and Mining
MIC	Ministry of International Corporation
MOF	Ministry of Finance
MOU	Memorandum of Understanding
MOU-CH	Memorandum of Understanding on Cessation of Hostilities
MP	Machakos Protocol
NA	National Assembly
NAC	National Audit Chamber
NC	National Capital
NCA	National Congress Act
NCA	National Court of Appeal
NLC	National Liberation Council (of SPLM/A)
NCOs	Non-Commissioned Officers
NCP	National Congress Party
NCRC	National Constitutional Review Commission
NSC	National Civil Service
NCSC	National Civil Service Commission
NCSG	Northern Civil Society Groups
NDDRC	Northern Sudan DDR Commission
NDDRCC	National DDR Coordination Council

NE	National Executive
NEC	National Electoral Commission
NG	National Government
NGOs	Non-governmental Organizations
NJSC	National Judicial Service Commission
NL	National Legislature
NLC	National Land Commission
NLC	National Liberation Council
NM	Nuba Mountains
NMDTF	National Multi-Donor Trust Fund
NPC	National Petroleum Commission
NPCA	National Population Census Act
NPF	Northern Political Forces
NRDF	National Reconstruction and Development Fund
NRF	National Revenue Fund
NSA	National Security Act
NSC	National Supreme Court
NSS	National Security Service
OAG	Other Armed Groups
OAGs CC	Other Armed Groups Collaborative Committee
ORSA	Oil Revenue Stabilization Account
PAEC	Parliamentary Assessment and Evaluation Commission
PC	Presidential Council
PCA	Permanent Ceasefire Agreement
PIP	Pre-Interim Period
POW	Prisoners of War
PSP	Power Sharing Protocol
SA	Security Arrangements
SAF	Sudan Armed Forces
SC	State Constitution
SCM	State Council of Ministers
SSDDRC	Southern Sudan DDR Commission

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SIC	State Interim Constitution
SJ	State Judiciary
SK	Southern Kordofan
SL	State Legislature
SLC	State Land Commission
SNAF	Sudan National Armed Forces
SOFA	Status of Forces Agreement
SOMA	Status of Mission Agreement
SP	State Police
SPF	Southern Political Forces
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SPLM/A	Sudan People's Liberation Movement/Sudan People's Liberation Army
SPS	State Police Service
SPS	Special Administrative Status
SRS	State Revenue Sources
SSC	State Security Committee
SSC	Southern Sudan Constitution
SSL	Southern Sudan Legislature
SSL	Southern Sudan Laws
SSLC	Southern Sudan Land Commission
SSMDTF	Southern Sudan Multi-Donor Trust Fund
SSRDF	Southern Sudan Reconstruction and Development Fund
SSSC	Southern Sudan Supreme Court
UN	United Nations
UNAMIS	United Nations Advanced Mission in Sudan
UNDP	United Nations Development Programme
UNDPKO	United Nations Department of Peacekeeping Operations
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission/High Commissioner for Refugees

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(ix)

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UNICEF	United Nations International Children's Emergency Fund
VAT	Value Added Tax
VMM	Verification and Monitoring Team
VMT	Verification and Monitoring Team
WB	World Bank
WK	Western Kordofan
WSA	Wealth Sharing Agreement

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CHAPEAU OF THE COMPREHENSIVE PEACE AGREEMENT

WHEREAS the Government of the Republic of the Sudan (GOS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A) (hereinafter referred to as the "Parties"), having met in continuous negotiations between May 2002 and December 2004, in Karen, Machakos, Nairobi, Nakuru, Nanyuki and Naivasha, Kenya, under the auspices of the Inter-Governmental Authority on Development (IGAD) Peace Process, and, in respect of the issues related to the Conflict Areas of Southern Kordofan and Blue Nile States and Abyei Area, under the auspices of the Government of the Republic of Kenya;

CONSCIOUS that the conflict in the Sudan is the longest running conflict in Africa; that it has caused tragic loss of life, destroyed the infrastructure of the country, eroded its economic resources and caused suffering to the people of the Sudan;

MINDFUL of the urgent need to bring peace and security to the people of the Sudan who have endured this conflict for far too long;

AWARE of the fact that peace, stability and development are aspirations shared by all people of the Sudan;

IN PURSUANCE OF the commitment of the Parties to a negotiated settlement on the basis of a democratic system of governance which, on the one hand, recognizes the right of the people of Southern Sudan to self-determination and seeks to make unity attractive during the Interim Period, while at the same time is founded on the values of justice, democracy, good governance, respect for fundamental rights and freedoms of the individual, mutual understanding and tolerance of diversity within the realities of the Sudan;

RECORDING AND RECONFIRMING that in pursuance of this commitment the Parties duly reached agreement on the following texts: the Machakos Protocol, dated 20th July, 2002 which is set out in Chapter I of the Comprehensive Peace Agreement (CPA); the Agreement on Security Arrangements, dated 25th September, 2003 which is set out in Chapter VI of the CPA; the Agreement on Wealth Sharing, dated 7th January, 2004 which is set out in Chapter III of the CPA; the Protocol on Power Sharing, dated 26th May, 2004 which is set out in Chapter II of the CPA; the Protocol on the Resolution of the Conflict In Southern Kordofan and Blue Nile States, dated 26th May, 2004 which is set out in Chapter V of the CPA; and the Protocol on the Resolution of the Conflict in Abyei Area, dated 26th May, 2004 which is set out in Chapter IV of the CPA; and that the Security Council of the United Nations in its Resolution 1574 of 19th November, 2004, took note of these aforementioned Protocols and Agreements;

RECOGNIZING that the Parties have concluded an Agreement on a Permanent Ceasefire and Security Arrangements Implementation Modalities During the Pre-Interim and Interim Periods dated 31st December, 2004 which is set out in Annexure I of the

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(xi)

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CPA, within the Framework of the Agreement on Security Arrangements of 25th September, 2003;

FURTHER RECOGNIZING that the Parties have also concluded the Agreement on the Implementation Modalities of the Protocols and Agreements dated 31st December, 2004 which is set out in Annexure II of the CPA;

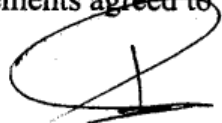
NOW HEREIN THE PARTIES JOINTLY ACKNOWLEDGE that the CPA offers not only hope but also a concrete model for solving problems and other conflicts in the country;

THE PARTIES FURTHER ACKNOWLEDGE that the successful implementation of the CPA shall provide a model for good governance in the Sudan that will help create a solid basis to preserve peace and make unity attractive and therefore undertake to fully adhere to the letter and spirit of the CPA so as to guarantee lasting peace, security for all, justice and equality in the Sudan;

NOW THEREFORE, THE PARTIES AGREE, upon signing this Agreement, on the following:

- (1) The Pre-Interim Period shall commence, and all the obligations and commitments specified in the CPA shall be binding in accordance with the provisions thereof;
- (2) The CPA shall be comprised of the texts of the Protocols and Agreements already signed, together with this Chapeau, the Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities and Appendices as Annexure I and the Agreement on the Implementation Modalities and the Global Implementation Matrix and Appendices as Annexure II;
- (3) The agreed Arabic and English texts of the CPA shall both be official and authentic. However, in the event of a dispute regarding the meaning of any provision of the text, and only if there is a difference in meaning between the Arabic and English texts; the English text shall be authoritative as English was the language of the peace negotiations.
- (4) Upon compilation of the official and authentic Arabic and English texts of the CPA, the initialled copies of both texts shall be given to both Parties, and copies shall also be lodged with the United Nations, the African Union, IGAD Secretariat in Djibouti, the League of Arab States and the Republic of Kenya.
- (5) All persons performing governmental functions shall continue to do so at the place at which they render such services or perform such functions unless or until redeployed or alternative instructions are received in accordance with the arrangements agreed to by the Parties.

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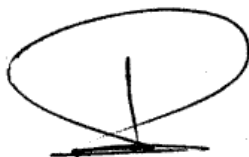
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- (6) To establish such priority joint task teams, particularly the Joint National Transitional Team (JNTT), the Abyei Boundaries Commission (ABC), the Constitutional Task Team and the Joint Technical Team on "New National Currency" as required to facilitate and prepare for the operationalization of the Agreement once it is put into force;
- (7) To take the necessary steps to ensure the effective implementation of the Permanent Ceasefire;
- (8) To take such steps as are necessary to ensure that resources and funds are available for the establishment of the structures, bodies and institutions contemplated by the CPA especially the establishment of the Government of Southern Sudan;

THE PARTIES EXPRESS THEIR GRATITUDE for the persistent efforts of the Facilitators, the IGAD Member States, and the International Community in assisting the people of the Sudan to return to peace and stability, and in particular, to the African Union, IGAD Partners Forum, the United Nations, and the Governments of Italy, Norway, United Kingdom and the United States of America for their support for the IGAD Peace Initiative and their unwavering interest and consistent endeavours in support of the Peace Process;

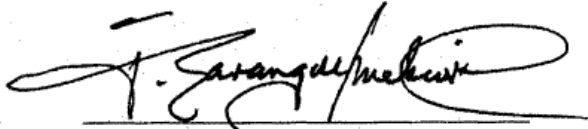
THE PARTIES JOINTLY APPEAL to the Regional and International Community and call on Organizations and States which have been requested to witness the signing of this Agreement to provide and affirm their unwavering support to the implementation of the CPA, and further appeal to them to avail resources for the necessary and urgent programmes and activities of the transition to peace as contemplated and agreed herein;

THE PARTIES RECOGNIZE the enormity of the tasks that lie ahead in successfully implementing the Comprehensive Peace Agreement and in signing below and before the witnesses here present, they reconfirm their commitment to implement the Comprehensive Peace Agreement fully and jointly.



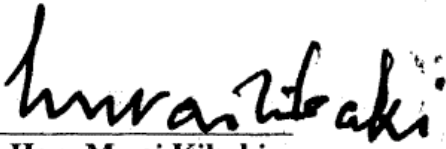


H.E. Ali Osman Mohamed Taha
First Vice President of the Republic
of the Sudan
On behalf of the Government
Of the Republic of the Sudan

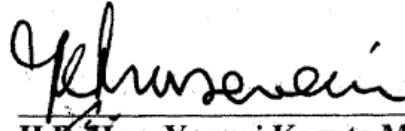


Dr. John Garang de Mabior
Chairman of the Sudan
People's Liberation Movement/Sudan
People's Liberation Army
on behalf of the Sudan People's
Liberation Movement/Sudan People's
Liberation Army

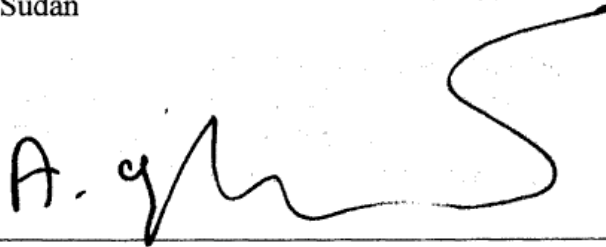
WITNESSED BY:



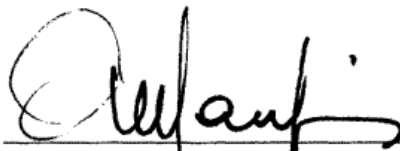
H.E. Hon. Mwai Kibaki
President of the Republic of Kenya
On behalf of the IGAD
Sub-Committee on the Sudan



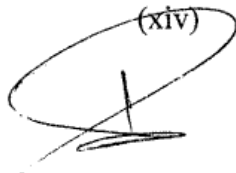
H.E. Hon. Yoweri Kaguta Museveni
President of the Republic of Uganda
On Behalf of IGAD Member States



H.E. Mr. Ahmed Aboul Gheit
Egyptian Minister of Foreign Affairs
On behalf of the Government of the Republic of Egypt



Senator Alfredo Mantica
Deputy Minister for Foreign Affairs
On behalf of the Government of Italy



Racke

H.E Mr. Fred Racke
Special Envoy of the Netherlands
On behalf of the Royal Kingdom of the Netherlands

Hilde Johnson

Racke

H.E. Ms. Hilde F. Johnson
Minister of International Development
On behalf of the Royal Norwegian Government

H Benn

Right Hon. Hilary Benn, M.P.
Secretary of State for International Development
On behalf of the United Kingdom and Northern Ireland

Colin L. Powell

Mr. Colin L. Powell
United States Secretary of State
On behalf of the United States of America

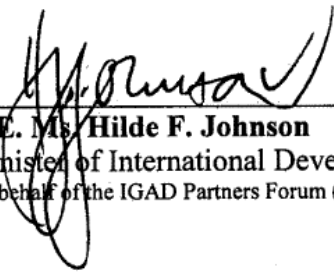
Alpha Oumar Konare

H.E. Mr. Alpha Oumar Konare
Chairperson of the African Union
On behalf of the African Union

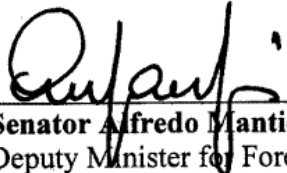
Charles Goerens

Hon. Charles Goerens
Minister of Development Co-operation of Netherlands
On behalf of the European Union

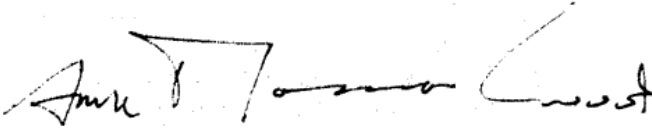
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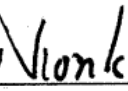
H.E. Ms. Hilde F. Johnson
Minister of International Development
On behalf of the IGAD Partners Forum (IPF)



Senator Alfredo Mantica
Deputy Minister for Foreign Affairs
On behalf of the IGAD Partners Forum (IPF)



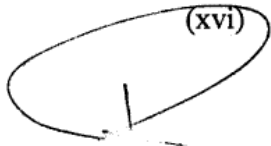
H.E. Mr. Amre Moussa
Secretary General of the League of Arab States
On behalf of the League of Arab States



H.E. Mr. Jan Pronk
Special Representative of the Secretary General in the Sudan
On behalf of the United Nations

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CHAPTER I

THE MACHAKOS PROTOCOL

SIGNED AT MACHAKOS, KENYA ON 20TH JULY, 2002

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THE PREAMBLE, PRINCIPLES, AND THE TRANSITION PROCESS

WHEREAS the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (hereafter referred to as the Parties) having met in Machakos, Kenya, from 18th June, 2002 through 20th July, 2002; and

WHEREAS the Parties are desirous of resolving the Sudan Conflict in a just and sustainable manner by addressing the root causes of the conflict and by establishing a framework for governance through which power and wealth shall be equitably shared and human rights guaranteed; and

MINDFUL that the conflict in the Sudan is the longest running conflict in Africa, that it has caused horrendous loss of life and destroyed the infrastructure of the country, wasted economic resources, and has caused untold suffering, particularly with regard to the people of South Sudan; and

SENSITIVE to historical injustices and inequalities in development between the different regions of the Sudan that need to be redressed; and

RECOGNIZING that the present moment offers a window of opportunity to reach a just peace agreement to end the war; and

CONVINCED that the rejuvenated IGAD peace process under the chairmanship of the Kenyan President, H.E. Daniel T. arap Moi, provides the means to resolve the conflict and reach a just and sustainable peace; and

COMMITTED to a negotiated, peaceful, comprehensive resolution to the conflict based on the Declaration of Principles (DOP) for the benefit of all the people of the Sudan;

NOW THEREFORE, the Parties hereby agree as follows:

The image shows two handwritten signatures or initials. On the left, there are some scribbled initials that appear to be 'J/1'. On the right, there is a more distinct signature consisting of a large, loopy 'Q' shape with a vertical line through it, and a horizontal line underneath.

PART A: AGREED PRINCIPLES

- 1.1 That the unity of the Sudan, based on the free will of its people democratic governance, accountability, equality, respect, and justice for all citizens of the Sudan is and shall be the priority of the Parties and that it is possible to redress the grievances of the people of South Sudan and to meet their aspirations within such a framework.
- 1.2 That the people of South Sudan have the right to control and govern affairs in their region and participate equitably in the National Government.
- 1.3 That the people of South Sudan have the right to self-determination, *inter alia*, through a referendum to determine their future status.
- 1.4 That religion, customs and traditions are a source of moral strength and inspiration for the Sudanese people.
- 1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:
 - 1.5.1 Establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan.
 - 1.5.2 Find a comprehensive solution that addresses the economic and social deterioration of the 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.
 - 1.5.3 Negotiate and implement a comprehensive ceasefire to end the suffering and killing of the Sudanese people.
 - 1.5.4 Formulate a repatriation, resettlement, rehabilitation, reconstruction and development plan to address the needs of those areas affected by the war and redress the historical imbalances of development and resources allocation.
 - 1.5.5 Design and implement the Peace Agreement so as to make the unity of the Sudan an attractive option especially to the people of South Sudan.
 - 1.5.6 Undertake the challenge by finding a framework by which these common objectives can be best realized and expressed for the benefit of all the Sudanese.

PART B: THE TRANSITION PROCESS

In order to end the conflict and to secure a peaceful and prosperous future for all the people of the Sudan and in order to collaborate in the task of governing the country, the Parties hereby agree to the implementation of the Peace Agreement in accordance with the sequence, time periods and process set out below.

2. There shall be a Pre-Interim Period, the duration of which shall be six (6) months.

2.1 During the Pre-Interim Period:

- a) The institutions and mechanisms provided for in the Peace Agreement shall be established;
- b) If not already in force, there shall be a cessation of hostilities with appropriate monitoring mechanisms established;
- c) Mechanisms to implement and monitor the Peace Agreement shall be created;
- d) Preparations shall be made for the implementation of a comprehensive ceasefire as soon as possible;
- e) International assistance shall be sought; and
- f) A Constitutional Framework for the Peace Agreement and the institutions referred to in 2.1 (a) shall be established.

2.2 The Interim Period will commence at the end of the Pre-Interim Period and shall last for six (6) years.

2.3 Throughout the Interim Period:

- a) The institutions and mechanisms established during the Pre-Interim Period shall be operating in accordance with the arrangements and principles set out in the Peace Agreement.
- b) If not already accomplished, the negotiated comprehensive ceasefire will be implemented and international monitoring mechanisms shall be established and operationalized.

2.4 An independent Assessment and Evaluation Commission(AEC) shall be established during the Pre-Interim Period to monitor the implementation of the Peace Agreement and conduct a mid-term evaluation of the unity arrangements established under the Peace Agreement.

2.4.1 The composition of the Assessment and Evaluation Commission shall consist of equal representation from the GOS and the SPLM/A, and not more than two (2) representatives, respectively, from each of the following categories:

1)



2)

- 2.4.1.1 Member states of the IGAD Sub-Committee on Sudan (Djibouti, Eritrea, Ethiopia, Kenya and Uganda);
- 2.4.1.2 Observer States (Italy, Norway, UK and US); and
- 2.4.1.3 Any other countries or regional or international bodies to be agreed upon by the Parties.

2.4.2 The Parties shall work with the Commission during the Interim Period with a view to improving the institutions and arrangements created under the Agreement and making the unity of Sudan attractive to the people of South Sudan.

2.5 At the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.

2.6 The Parties shall refrain from any form of unilateral revocation or abrogation of the Peace Agreement.

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STATE AND RELIGION

Recognizing that Sudan is a multi-cultural, multi-racial, multi-ethnic, multi-religious and multi-lingual country and confirming that religion shall not be used as a divisive factor, the Parties hereby agree as follows:

- 6.1 Religions, customs and beliefs are a source of moral strength and inspiration for the Sudanese people.
- 6.2 There shall be freedom of belief, worship and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds.
- 6.3 Eligibility for public office, including the presidency, public service and the enjoyment of all rights and duties shall be based on citizenship and not on religion, beliefs or customs.
- 6.4 All personal and family matters including marriage, divorce, inheritance, succession and affiliation may be governed by the personal laws (including Sharia or other religious laws, customs or traditions) of those concerned.
- 6.5 The Parties agree to respect the following Rights:
 - 6.5.1 To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;
 - 6.5.2 To establish and maintain appropriate charitable or humanitarian institutions;
 - 6.5.3 To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
 - 6.5.4 To write, issue and disseminate relevant publications in these areas;
 - 6.5.5 To teach religion or belief in places suitable for these purposes;
 - 6.5.6 To solicit and receive voluntary financial and other contributions from individuals and institutions;
 - 6.5.7 To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
 - 6.5.8 To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religious beliefs;
 - 6.5.9 To establish and maintain communications with individuals and communities in matters of religion and belief and at the national and international levels;
 - 6.5.10 For avoidance of doubt, no one shall be subject to discrimination by the National Government, state, institutions, group of persons or person on grounds of religion or other beliefs.
- 6.6 The Principles enumerated in Section 6.1 through 6.5 shall be reflected in the Constitution.

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PART C: STRUCTURES OF GOVERNMENT

To give effect to the agreements set out in Part A, the Parties, within a framework of a unified Sudan which recognizes the right to self-determination for the people of Southern Sudan, hereby agree that with respect to the division of powers and the structures and functions of the different organs of government, the political framework of governance in the Sudan shall be structured as follows:

3.1 Supreme Law

- 3.1.1 The National Constitution of the Sudan shall be the Supreme Law of the land. All laws must comply with the National Constitution. This Constitution shall regulate the relations and allocate the powers and functions between the different levels of government as well as prescribe the wealth sharing arrangements between the same. The National Constitution shall guarantee freedom of belief, worship and religious practice in full to all Sudanese citizens.
- 3.1.2 A representative National Constitutional Review Commission (NCRC) shall be established during the Pre-Transition Period which shall have as its first task the drafting of a Legal and Constitutional Framework to govern the Interim Period and which incorporates the Peace Agreement.
- 3.1.3 The Framework mentioned above shall be adopted as shall be agreed upon by the Parties.
- 3.1.4 During the Interim Period an inclusive Constitutional Review Process shall be undertaken.
- 3.1.5 The Constitution shall not be amended or repealed except by way of special procedures and qualified majorities in order that the provisions of the Peace Agreement are protected.

3.2 National Government

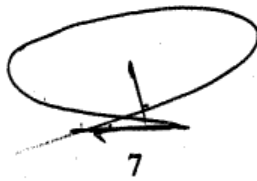
- 3.2.1 There shall be a National Government which shall exercise such functions and pass such laws as must necessarily be exercised by a sovereign state at national level. The National Government in all its laws shall take into account the religious and cultural diversity of the Sudanese people.
- 3.2.2 Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia and the consensus of the people.
- 3.2.3 Nationally enacted legislation applicable to the Southern States and/or the Southern Region shall have as its source of legislation popular consensus,

the values and the customs of the people of Sudan (including their traditions and religious beliefs, having regard to Sudan's diversity).

3.2.4 Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may:

- (i) Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs, or
- (ii) Refer the law to the Council of States for it to approve by two-thirds ($\frac{2}{3}$) majority or initiate national legislation which will provide for such necessary alternative institutions as is appropriate.

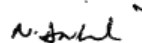
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THE RIGHT TO SELF-DETERMINATION FOR THE PEOPLE OF SOUTH SUDAN

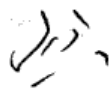
- 1.3 That the people of South Sudan have the right to self-determination, *inter alia*, through a referendum to determine their future status.
- 2.4 An independent Assessment and Evaluation Commission shall be established during the Pre-Transition Period to monitor the implementation of the Peace Agreement during the Interim Period. This Commission shall conduct a mid-term evaluation of the unity arrangements established under the Peace Agreement.
 - 2.4.1 The composition of the Assessment and Evaluation Commission shall consist of equal representation from the GOS and the SPLM/A, and not more than two (2) representatives, respectively, from each of the following categories:
 - 2.4.1.1 Member states of the IGAD Sub-Committee on Sudan (Djibouti, Eritrea, Ethiopia, Kenya and Uganda);
 - 2.4.1.2 Observer States (Italy, Norway, UK and US); and
 - 2.4.1.3 Any other countries or regional or international bodies to be agreed upon by the Parties.
 - 2.4.2 The Parties shall work with the Commission during the Interim Period with a view to improving the institutions and arrangements created under the Agreement and making the unity of Sudan attractive to the people of South Sudan.
- 2.5 At the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.
- 2.6 The Parties shall refrain from any form of unilateral revocation or abrogation of the Peace Agreement.



CHAPTER II

POWER SHARING

SIGNED AT NAIVASHA, KENYA ON 26TH MAY, 2004



PREAMBLE

CONSCIOUS of the need for an expeditious termination of Sudan's protracted and costly war;

MINDFUL AND AWARE of the yearning of all the Sudanese for a quick, just and sustainable peace;

ENCOURAGED by the progress made thus far in our pursuit for realizing Comprehensive Peace Agreement in the Sudan;

DETERMINED to crown the valuable achievement of this Peace Process by arriving at an equitable and fair formula for sharing power in the Sudan;

RESOLVED to usher in an era of responsible, just, transparent, people-led and integrity based governance;

CONVINCED that decentralization and empowerment of all levels of government are cardinal principles of effective and fair administration of the country;

COGNIZANT of the fact that the smooth and successful implementation of This Agreement shall, to a large measure, hinge on rallying the majority of the Sudanese people behind it; and

CONVINCED that the successful implementation of this Agreement shall provide a model for good governance in Sudan that shall help to create a solid basis to make unity of the country attractive and preserve peace;

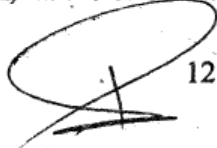
NOW THEREFORE, the Government of the Sudan (GOS) and the Sudan People's Liberation Movement (SPLM) hereby agree as follows:-

PART I

1. General Principles

- 1.1 In accordance with the Machakos Protocol agreed to at Machakos, Kenya, on 20th July, 2002, the following Protocol on Power Sharing forms an integral part of the overall Peace Agreement.
- 1.2 The Parties reaffirm their acceptance of the Agreed Principles (of Governance) as stipulated in the Machakos Protocol of 20th July, 2002. The modalities of implementation of these principles are the object of the present Protocol on Power Sharing.
- 1.3 In accordance with the Machakos Protocol, the structures of governments in the Sudan shall be as follows during the Interim Period:-
 - 1.3.1 The National level of Government which shall exercise authority so as to protect and promote the national sovereignty of Sudan and the welfare of its people;
 - 1.3.2 The Southern Sudan level of Government which shall exercise authority in respect of the people and States in the South;
 - 1.3.3 The States throughout Sudan which shall exercise authority at the state level and render public services through the level of government close to the people; and
 - 1.3.4 The level of local government throughout the Sudan.
- 1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:
 - 1.4.1 Recognition of both the sovereignty of the nation as vested in its people as well as the need for autonomy of the Government of Southern Sudan and States throughout the Sudan;
 - 1.4.2 Affirmation of the need for both national as well as state and Southern Sudan norms and standards so as to reflect the unity of the country and the diversity of the Sudanese people;
 - 1.4.3 Acknowledgement of the need to promote the welfare of the people and protect their human rights and fundamental freedoms;
 - 1.4.4 Recognition of the need for the involvement and participation of the people of South Sudan at all levels of government and National institutions as an expression of the national unity of the country;
 - 1.4.5 Pursuit of good governance, accountability, transparency, democracy, and the rule of law at all levels of government to achieve lasting peace;
 - 1.4.6 Recognizing the need to legitimize the arrangements agreed to herein, fair electoral laws shall be adopted, including the free

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establishment of political parties. Elections at all levels of government shall be held by universal adult suffrage.

1.5 Principles of Administration and Inter-Governmental Linkages:

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:-

1.5.1.1 There shall be a decentralized system of government with significant devolution of powers, having regard to the National, Southern Sudan, State, and Local levels of government;

1.5.1.2 The Interim National Constitution, being the legal and constitutional framework text adopted as contemplated in paragraph 2.12.6 herein, shall be the Supreme Law of the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it;

1.5.1.3 The linkage between the National Government and the states in the Southern Sudan shall be through the Government of Southern Sudan, subject to paragraph 1.5.1.4 below, and as provided for in the Interim National Constitution and the Southern Sudan Constitution;

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall:

- (a) Respect each others' autonomy;
- (b) Collaborate rather than compete, in the task of governing and assist each other in fulfilling each others' constitutional obligations;
- (c) Perform their functions and exercise their powers so as:
 - (i) Not to encroach on another level's powers or functions;
 - (ii) Not to assume another level's powers or functions conferred upon it by the Constitution;
 - (iii) To promote co-operation between them;
 - (iv) To promote open communication between government and levels of government;
 - (v) To strive to render assistance and support to other levels of government;
 - (vi) To advance the good co-ordination of governmental functions;
 - (vii) To adhere to procedures of inter-governmental interaction as agreed upon;

- (viii) To promote amicable settlement of disputes before attempting litigation;
- (ix) To respect the status and institutions of other levels of government.

(d) Allow the harmonious and collaborative interaction of the different levels of government within the context of national unity and for the achievement of a better quality of life for all.

1.6 Human Rights and Fundamental Freedoms:

1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention of 1926, as amended, and the related Supplementary Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention Against Apartheid in Sports, the Convention Relating to the Status of Refugees and the Related Protocol, and the African Charter on Human and People's Rights. The Republic of the Sudan should endeavor to ratify other human rights treaties which it has signed.

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:-

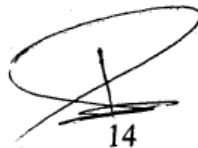
1.6.2.1 Life

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his/her life;

1.6.2.2 Personal Liberty

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his/her liberty except on such grounds and in accordance with such procedures as are established by law;

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1.6.2.3 Slavery

No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. No one shall be held in servitude or be required to perform forced or compulsory labour;

1.6.2.4 Torture

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;

1.6.2.5 Fair Trial

- (a) Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her;
- (b) In the determination of any criminal charges against him/her, or of his/her rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;
- (c) Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law;
- (d) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed;
- (e) In the determination of any criminal charge against him/her, everyone shall be entitled, in full equality, to be tried without undue delay, to be tried in his/her presence and to defend himself/herself in person or through legal assistance of his/her own choosing and to have legal assistance assigned to him/her in any case where the interests of justice so require.

1.6.2.6 Privacy

No one shall be subjected to arbitrary or unlawful interference with his/her privacy, family, home or correspondence;

1.6.2.7 Freedom of Thought, Conscience and Religion

Everyone shall have the right to freedom of thought, conscience and religion;

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1.6.2.8 Freedom of Expression

Everyone shall have the right to freedom of expression;

1.6.2.9 Freedom of Assembly and Association

The right of peaceful assembly shall be recognized. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his/her interests;

1.6.2.10 Family and Marriage

- (a) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State;
- (b) The right of men and women of marriageable age to marry and to found a family shall be recognized, according to their respective family laws.

1.6.2.11 Right to Vote

Every citizen shall have the right and the opportunity, without distinctions and unreasonable restrictions, to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

1.6.2.12 Equality Before the Law

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law;

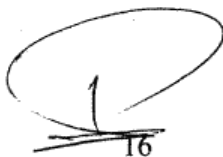
1.6.2.13 Freedom from Discrimination

The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

1.6.2.14 Freedom of Movement

Everyone has the right to liberty of movement and freedom to choose his/her residence;

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1.6.2.15 The Rights of Children

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his/her status as a minor.;

1.6.2.16 Equal Rights of Men and Women

- (a) The equal right of men and women to the enjoyment of all civil and political rights set forth in the International Covenant on Civil and Political Rights and all economic, social, and cultural rights set forth in the International Covenant on Economic, Social and Cultural Rights shall be ensured;
- (b) The human rights and fundamental freedoms embodied in the International Covenant on Civil and Political Rights (ICCPR) shall also be reflected in the Interim National Constitution. No derogation from these rights and freedoms shall be made under the Constitution or under the ICCPR except in accordance with the provisions thereof and only with the approval of the Presidency and the National Legislature, as required by Section 2.3.14 herein;
- (c) These human rights and fundamental freedoms shall be monitored by the Human Rights Commission specified in paragraph 2.10.1.2 herein.

1.7 Reconciliation:

The Parties agree to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace building process. Its mechanisms and forms shall be worked out by the Government of National Unity.

1.8 Population Census, Elections and Representation:

- 1.8.1 Population census throughout the Sudan shall be conducted and completed by the end of the second year of the Interim Period;
- 1.8.2 The preparation, planning and organization for the census shall commence as soon as the Peace Agreement is signed;
- 1.8.3 General Elections at all levels of government shall be completed by the end of the third year of the Interim Period;
- 1.8.4 Six months before the end of the periods referred to in Sub-Paragraphs 1.8.1 and 1.8.3 the Parties shall meet and review the feasibility of the dates set out in the above-mentioned sub-Paragraphs.

- 1.8.5 Certain considerations, while not conditional upon their completion, should be taken into account with respect to the timing of the elections (including, *inter alia*, resettlement, rehabilitation, reconstruction, repatriation, building of structures and institutions, and consolidation of the Peace Agreement);
- 1.8.6 Whoever runs in any election must respect, abide by, and enforce the Peace Agreement;
- 1.8.7 International observers shall participate in the observation of elections;
- 1.8.8 Representation of the north and the south at the National level shall be based on population ratio;
- 1.8.9 The percentages agreed herein are temporary and shall either be confirmed or adjusted on the basis of the census results.

PART II

2. Institutions at the National Level

- 2.1 During the Interim Period, the Institutions at the National level shall consist of:-
- 2.1.1 The Legislature;
 - 2.1.2 The Executive;
 - 2.1.3 The Judiciary; and
 - 2.1.4 The Institutions and Commissions specified in this Agreement and the Interim National Constitution.
- 2.2. The National Legislature:
- 2.2.1 There shall be a bicameral National Legislature comprised of:-
 - 2.2.1.1 A National Assembly; and
 - 2.2.1.2 A Council of States.
 - 2.2.2. In the establishment of the National Legislature, the following principles shall apply:-
 - 2.2.2.1. There shall be equitable representation of the people of South Sudan in both legislative chambers; and
 - 2.2.2.2. Relevant considerations shall be taken into account in determining what constitutes equitable representation.
 - 2.2.3 The National Legislature shall be structured and operate as follows:-
 - 2.2.3.1 The National Assembly shall be elected in accordance with the procedures set forth by an impartial and representative Electoral Commission and in accordance with fair electoral laws;
 - 2.2.3.2 There shall be a Council of States comprised of two representatives from each state;
 - 2.2.3.3 Free and fair elections for the National Assembly shall be conducted in accordance with the Interim National Constitution governing the Interim Period. The date shall be determined by the Parties signatory to this Agreement, after consulting with the Electoral Commission.
 - 2.2.4 Pending the elections referred to above, the National Assembly shall consist of such members representing the Parties to the Agreement, and other forces in the North and South so as to promote inclusiveness and stability, in such proportions to be determined by the parties prior to the conclusion of the Peace Agreement.

2.2.5 Prior to the Parliamentary elections, the seats of the National Assembly shall be allocated as follows:

- (a) The National Congress Party (NCP) shall be represented by Fifty-Two Percent (52%);
- (b) Sudan People's Liberation Movement (SPLM) shall be represented by Twenty- Eight Percent (28%);
- (c) Other Northern political forces shall be represented by Fourteen Percent (14%);
- (d) Other Southern political forces shall be represented by Six Percent (6%);

2.2.6 Both Chambers of the National Legislature shall approve the allocation of resources and revenues, in accordance with the agreement of Wealth Sharing. The National Assembly shall approve the annual National budget.

2.2.7 Amendments to the National Constitution shall require:-

2.2.7.1 The approval of three-quarters (75%) of all the members of each chamber, both chambers sitting separately, and only after introduction of the draft amendment at least two (2) months prior to debate;

2.2.7.2 Amendments to the Interim National Constitution affecting the provisions of the Peace Agreement may be introduced only with the approval of both Parties signatory to this Agreement;

2.2.7.3 A sixty-six and two-thirds percent (66.6%) majority in the Council of States is required to pass legislation that affects the interests of the states and a simple majority vote of both chambers is required to pass all other legislation.

2.2.8 Any bill duly approved by the National Legislature shall be signed into law by the President within thirty (30) days, failing which it shall be deemed to have been so signed. Where the President withholds his/her signature, he/she must present reasons for his/her refusal to so sign when re-introducing the bill to the National Legislature within the 30-day period stated herein. The Bill shall become law if the National Legislature again passes the bill by a two-thirds ($\frac{2}{3}$) majority of all the members of the respective house or houses and the assent of the President shall not be required.

2.2.9. The exclusive legislative powers of the National Legislature shall be in respect of the matters set forth in Schedule A, annexed hereto.

2.2.10 The concurrent legislative powers of the National Legislature shall be those matters as set forth in Schedule D, read together with Schedule F, annexed hereto.

2.2.11 The residual legislative powers shall be exercised in accordance with Schedule E annexed hereto.

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2.2.12 Both chambers of the National Legislature shall elect their respective Speakers, Deputy Speakers and other officers at their first sitting. The two Parties shall be adequately represented in these offices.

2.2.13 Both Chambers of the National Legislature shall respectively determine their own rules, procedures, committees, and other matters of a similar nature.

2.3. The National Executive

2.3.1 The National Executive shall consist of the Presidency and a Council of Ministers.

2.3.2 There shall be established the Institution of the Presidency consisting of the President and two Vice Presidents.

2.3.3 The functions of the two Vice Presidents shall be clearly defined by the parties to this Agreement.

2.3.4 There shall be a partnership and collegial decision-making process within the Institution of the Presidency in order to safeguard the Peace Agreement.

2.3.5 Until such time as elections are held, the current incumbent President (or his successor) shall be the President and Commander-in-Chief of the Sudan Armed Forces (SAF). The current SPLM Chairman (or his successor) shall be the First Vice President and shall at the same time hold the posts of President of the Government of Southern Sudan (GOSS) and Commander-in-Chief of the Sudan People's Liberation Army (SPLA).

2.3.6 In respect of the following matters, the President shall take decisions with the consent of the First Vice President, namely:-

2.3.6.1 Declaration and termination of a state of emergency;

2.3.6.2 Declaration of war;

2.3.6.3 Appointments that the President is required to make according to the Peace Agreement, (to be specified); and

2.3.6.4 Summoning, adjourning, or proroguing the National Legislature.

2.3.7 The President shall be elected in national elections, the timing of which shall be subject to the agreement of the two parties. The President elect shall appoint two Vice Presidents, one from the South and the other from the North. If the President-elect is from the North, the position of the First Vice President shall be filled by the person who has been elected to the post of President of the Government of Southern Sudan, as the President's appointee to the said position. In the event that a person from the South wins the Presidential elections, the President-elect shall appoint the First Vice President from the North. All the other provisions in this Agreement relating to the presidency shall continue to apply.

- 2.3.8 Should the post of the President fall vacant, the functions of the President shall be assumed by a Presidential Council comprising of the Speaker of the National Assembly, the First Vice President and the Vice President.
- 2.3.8.1 The Speaker of the National Assembly shall be Chairperson of the Council in the period prior to elections, after elections the First Vice President shall be the chairperson of the Council;
- 2.3.8.2 The Presidential Council shall take its decision by consensus;
- 2.3.8.3 The Vice President shall be Commander-in-Chief of the Sudan Armed Forces (SAF).
- 2.3.9 Should the post of the President fall vacant in the period prior to elections, the Office of the President shall be filled by the nominee of the National Congress Party within two weeks.
- 2.3.10 Should the post of the President fall vacant in the period after the elections, the post shall be filled through presidential elections which shall be held within sixty (60) days.
- 2.3.11 Should the post of the First Vice President fall vacant:-
- 2.3.11.1 Prior to elections, the office of the First Vice President shall be filled by the nominee of the SPLM within two(2) weeks;
- 2.3.11.2 After the elections, the President shall appoint a First Vice President in accordance with the Interim National Constitution and the provisions of this Peace Agreement.
- 2.3.12 The President shall, within Thirty (30) days of the entry into force of the Peace Agreement, and in consultation with the First Vice President, establish a Council of Ministers, having due regard to the need for inclusiveness and diversity in the establishment of a Government of National Unity. The Cabinet Ministers shall be accountable to the President and the National Assembly in the performance of their functions and may be removed by a resolution supported by two-thirds ($\frac{2}{3}$) of all the members of the National Assembly.
- 2.3.13 The President, the First Vice President and the Vice President shall be members of the Council of Ministers.
- 2.3.14 The National Legislature shall be required to approve declarations of war or state of emergency, but in either event, there shall be no derogation from the provisions of the Peace Agreement, except as may be provided herein.
- 2.3.15 Any Executive Orders or other legal acts by the President of the Republic shall be discussed with, and adopted by the Council of Ministers.

2.4 National Capital

- 2.4.1 Khartoum shall be the Capital of the Republic of the Sudan. The National Capital shall be a symbol of national unity that reflects the diversity of Sudan.
- 2.4.2 The Administration of the National Capital shall be representative; and during the Interim Period the two Parties shall be adequately represented in the administration of the National Capital.
- 2.4.3 Human rights and fundamental freedoms as specified in the Machakos Protocol, and in the Agreement herein, including respect for all religions, beliefs and customs, shall be guaranteed and enforced in the National Capital, as well as throughout the whole of Sudan, and shall be enshrined in the Interim National Constitution.
- 2.4.4 Law enforcement agencies of the Capital shall be representative of the population of Sudan and shall be adequately trained and made sensitive to the cultural, religious and social diversity of all Sudanese.
- 2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:-
- 2.4.5.1 Tolerance shall be the basis of coexistence between the Sudanese people of different cultures, religions and traditions;
- 2.4.5.2 Behavior based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms;
- 2.4.5.3 Personal privacy is inviolable and evidence obtained in violation of such privacy shall not be admissible in the court of law;
- 2.4.5.4 The judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established legal {Sharia} principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply;
- 2.4.5.5 Leniency and granting the accused the benefit of doubt are legal principles of universal application, especially in the circumstances of a poor society like the Sudan, which is just emerging from war, characterized by prevalent poverty and subject to massive displacement of people.
- 2.4.6 A special commission shall be appointed by the Presidency to ensure that the rights of non-Muslims are protected in accordance with the aforementioned guidelines and not adversely affected by the application of Sharia Law in the Capital. The said commission shall make its observations and recommendations to the Presidency.

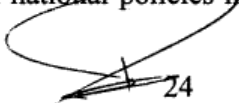
2.4.7 Additionally, a system of mechanisms of guarantees shall be established to operationalize the above points, which includes:-

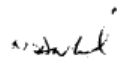
- 2.4.7.1 Judicial circulars to guide the courts as to how to observe the foregoing principles;
- 2.4.7.2 Establishment of specialized courts; and
- 2.4.7.3 Establishment of specialized Attorney General circuits to conduct investigations and pre-trial proceedings related to offences involving these principles.

2.5. The Government of National Unity

- 2.5.1 During the Interim Period, there shall be a Government of National Unity reflecting the need for inclusiveness, the promotion of national unity, and the defense of national sovereignty, and the respect and implementation of Peace Agreement.
- 2.5.2 The Presidency and Council of Ministers shall exercise the Executive powers and competencies in respect of the matters in Schedules A and D, read together with Schedules E and F, and as conferred upon it by this Agreement and the Interim National Constitution.
- 2.5.3 Cabinet posts and portfolios in all clusters, including the National Sovereignty Ministries, shall be shared equitably and qualitatively by the two Parties. The Parties agree to cluster the National ministries under the implementation modalities.
- 2.5.4 Representation of the SPLM and other political forces from the South in each of the clusters shall be determined by the Parties Signatory to Agreement prior to the conclusion of the Peace Agreement.
- 2.5.5 Prior to elections, the seats of the National Executive shall be allocated as follows:-
 - (a) The National Congress Party shall be represented by Fifty-Two Percent (52%);
 - (b) Sudan People's Liberation Movement (SPLM) shall be represented by Twenty-Eight Percent (28%);
 - (c) Other Northern political forces shall be represented by Fourteen Percent (14%);
 - (d) Other Southern political forces shall be represented by Six Percent (6%);
- 2.5.6 The Government of National Unity shall be responsible for the administration and functioning of the State and the formulation and implementation of national policies in accordance with the Interim National Constitution.

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- 2.5.6 The Government of National Unity shall be responsible for establishing recruitment systems and admission policies to national universities, national institutes, and other institutions of higher education based on fair competition, giving equal opportunity to all citizens.
- 2.5.8 The Government of National Unity shall make decisions related to the ongoing or future activities of the organizations of the United Nations, bilateral, national, or international governmental and non-governmental organizations (NGOs), with a view toward ensuring equitable and transparent distribution of projects, activities, and employment of personnel in the whole of Sudan and especially the reconstruction of the war affected areas. There is to be an equivalent obligation on all levels of Government.
- 2.5.9. The Government of National Unity shall implement an information campaign throughout Sudan in all national languages in Sudan to popularize the Peace Agreement, and to foster national unity, reconciliation and mutual understanding.

2.6 Civil Service:-

- 2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized:-
- 2.6.1.1 Imbalances and disadvantages which exist must be redressed;
 - 2.6.1.2 Merit is important and training is necessary;
 - 2.6.1.3 There must be fair competition for jobs in the National Civil Service;
 - 2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;
 - 2.6.1.5 The National Civil Service will fairly represent all the people of the Sudan and will utilize affirmative action and job training to achieve equitable targets for representation within an agreed time frame;
 - 2.6.1.6 Additional educational opportunities shall be created for war- affected people.
- 2.6.2 In order to create a sense of national belonging and address imbalances in the National Civil Service, a National Civil Service Commission shall be established with the task of:-
- 2.6.2.1 Formulating policies for training and recruitment into the civil service, targeting between Twenty–Thirty Percent (20% - 30%) of the positions, confirmed upon the outcome of the census referred to herein, for people of South Sudan who qualify;
 - 2.6.2.2 Ensuring that not less than Twenty Percent (20%) of the middle and upper level positions in the National Civil Service (including the

positions of Under Secretaries) are filled with qualified persons from the South within the first three years and achieving Twenty-Five Percent (25%) in five (5) years and the final target figure referred to in sub-paragraph 2.6.2.1 above, within six (6) years; and

- 2.6.2.3 Reviewing, after the first three (3) years of the beginning of the Interim Period the progress made as a result of the policies and setting new goals and targets as necessary, taking into account the census results.

2.7 National Security

2.7.1 The National Security Council

- 2.7.1.1 There shall be at the National level a National Security Council, the composition and functions of which shall be determined by the law;
- 2.7.1.2 The National Security Council shall define the new national security strategy based on the analysis of the new security threats.

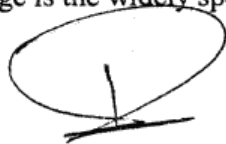
2.7.2 National Security Service

- 2.7.2.1 There shall be one National Security Service. The details of its establishment shall be worked out under the implementation modalities;
- 2.7.2.2 The National Security Service shall be representative of the population and reflect the partnership of the negotiating Parties;
- 2.7.2.3 The South shall be equitably represented in the National Security Service;
- 2.7.2.4 The National Security Service shall be professional and its mandate shall be advisory and focused on information gathering and analysis;
- 2.7.2.5 There shall be established security committees at the Government of Southern Sudan and State levels, their composition and functions shall be determined by the law;
- 2.7.2.6 The National Security Service shall be anchored in the Presidency;
- 2.7.2.7 There shall be a National Security Act that shall reflect the mandate of the National Security Service and the provisions of this Agreement relating to the National Security;
- 2.7.2.8 That all the assets of the respective security organs of the two Parties shall accrue to the National Security Service.

2.8 Language

- 2.8.1 All the indigenous languages are national languages which shall be respected, developed and promoted.
- 2.8.2 Arabic language is the widely spoken national language in the Sudan.

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- 2.8.3 Arabic, as a major language at the national level, and English shall be the official working languages of the National Government business and languages of instruction for higher education.
- 2.8.4 In addition to Arabic and English, the legislature of any sub-national level of government may adopt any other national language(s) as additional official working language(s) at its level.
- 2.8.5 The use of either language at any level of government or education shall not be discriminated against.

2.9 Foreign Policy

- 2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and foremost Sudan's national interests to achieve the following objectives:-
- 2.9.1.1 Promotion of international cooperation, especially within the UN and other International and Regional Organizations for the consolidation of universal peace, respect of international law and treaty obligations and the promotion of a just world economic order;
- 2.9.1.2 To achieve the latter, enhancement of South-South and international cooperation;
- 2.9.1.3 Striving to achieve African and Arab integration, each within the ongoing regional plans and forums as well as promoting African and Arab Unity and Afro-Arab cooperation;
- 2.9.1.4 Non-interference in the affairs of other states and promotion of good-neighborliness and mutual cooperation among all Sudan's neighbors;
- 2.9.1.5 Combating international and transnational organized crimes and terrorism.

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement:

- 2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions:-
- 2.10.1.1 An impartial and representative National Electoral Commission;
- 2.10.1.2 A Human Rights Commission;
- 2.10.1.3 A National Judicial Service Commission;
- 2.10.1.4 A National Civil Service Commission;
- 2.10.1.5 An ad-hoc Commission to monitor and ensure accuracy, legitimacy, and transparency of the Referendum as mentioned in the Machakos Protocol on Self-Determination for the People of South Sudan, which shall also include international experts;
- 2.10.1.6 A Fiscal and Financial Allocation and Monitoring Commission;

2.10.1.7 Any other independent commission/institution set forth in the Peace Agreement or as agreed upon by the Parties.

2.11 The National Judiciary

2.11.1 The powers of the Judiciary shall be exercised by Courts and other tribunals. The Judiciary shall be independent of the Legislature and the Executive. Its independence shall be guaranteed in the Interim National Constitution.

2.11.2. There shall be established at the National Level:-

- 2.11.2.1. A Constitutional Court;
- 2.11.2.2. A National Supreme Court;
- 2.11.2.3. National Courts of Appeal; and
- 2.11.2.4. Any other National Courts or tribunals as deemed necessary to be established by law.

2.11.3. The Constitutional Court

2.11.3.1 There shall be established a Constitutional Court in accordance with the provisions of this Peace Agreement and the Interim National Constitution.

2.11.3.2. The Constitutional Court shall:-

- (i) Be independent from the Judiciary and any other courts in the country. It shall be headed by the President of the Constitutional Court, duly appointed by the President with the consent of the First Vice President, and shall be answerable to the Presidency;
- (ii) Uphold the Interim National, Southern Sudan, and State Constitutions and its composition shall be representative;
- (iii) Have original jurisdiction to decide disputes that arise under the National Interim Constitution and the constitutions of Northern States at the instance of individuals, juridical entities or of government;
- (iv) Adjudicate on the constitutionality of laws and set aside or strike down laws or provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitutions;
- (v) Have appellate jurisdiction on appeals against the decisions of Southern Sudan Supreme Court on the Constitution of Southern Sudan and the constitutions of Southern Sudan states;
- (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies;
- (vii) Protect human rights and fundamental freedoms;
- (viii) Have criminal jurisdiction over the President, the two (2) Vice Presidents of the Republic, the two (2) Speakers of the National

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Legislature, and the Justices of the National and Southern Sudan Supreme Courts.

2. 11.3.3. Decisions of the Constitutional Court shall be final and binding.

2. 11.4. The National Supreme Court

2. 11.4.1 The National Supreme Court shall:-

- (i) Be a court of review and cassation in respect of any criminal or civil matter arising out of or under national laws;
- (ii) Have criminal jurisdiction over the Justices of the Constitutional Court;
- (iii) Review death sentences imposed by any Court in respect to matters arising out of or under National Laws; and
- (iv) Have such other jurisdiction as determined by the Interim National Constitution, the Peace Agreement, and law.

2. 11.4.2. The National Supreme Court may establish panels for the purposes of considering and deciding appeals on matters requiring special expertise including commercial, personal, or labour matters.

2. 11.4.3. The Justices of the Constitutional and National Supreme Courts and all the judges of other National Courts shall perform their functions without political interference; they shall be independent, and shall administer justice without fear or favour. The Interim National Constitution and the law shall protect their independence.

2. 11.4.4. Judges other than the Justices referred to in Section 2.11.4.6 herein shall be appointed by the Presidency on the recommendation of the National Judicial Service Commission.

2. 11.4.5. The National Judicial Service Commission shall be chaired by the Chief Justice. Amongst others, representatives of academia, judges, members of the legal profession, members of the National Legislature, and the Minister of Justice shall sit on this Commission. The National Judicial Service Commission shall be as determined in the Interim National Constitution referred to in paragraph 2.12 herein and shall reflect the need for appropriate representation, inclusiveness, and diversity.

2. 11.4.6. (i) All Justices of the Constitutional Court shall be appointed by the Presidency on the recommendation of the National Judicial Service Commission, subject to approval by two-thirds ($\frac{2}{3}$) majority of all the members of the Council of States, having regard to competence, credibility and the need for fair representation.

- (ii) All Justices of the National Supreme Court shall be appointed by the Presidency on the recommendation of the National Judicial Service Commission, having regard to competence and credibility.
 - (iii) Southern Sudan shall be adequately represented in the Constitutional Court, the National Supreme Court and other national courts that are situated in the National Capital, by qualified lawyers having regard to competence and credibility;
2. 11.4.7. The tenure of Judges shall not be affected by their judicial decisions. Judges may only be removed for gross misconduct, incompetence, incapacity, or otherwise in accordance with the law, and only on the recommendation of the National Judicial Service Commission.

2.12 Constitutional Review Process

- 2.12.1 The Peace Agreement shall be signed by the leaders of the two Parties.
- 2.12.2 Upon signature, the Parties shall be bound by the Agreement and shall assume the obligations arising therefrom, more especially the obligations to implement the Agreement and to give legal and constitutional effect to the arrangements agreed therein.
- 2.12.3 Upon signature the Parties commit themselves to ensure that all the organs, committees and structures under their control, including their members, shall observe the terms of the Agreement.
- 2.12.4 After the Agreement has been signed:-
- 2.12.4.1 The text thereof shall be forwarded to the National Assembly and the SPLM National Liberation Council for approval as is;
 - 2.12.4.2 A representative National Constitutional Review Commission shall be established, as is more fully described below, which shall within six (6) weeks of receipt of the Agreement prepare a Legal and Constitutional Framework ("The Constitutional Text");
 - 2.12.4.3 The National Constitutional Review Commission shall be comprised of the NCP, SPLM and representatives of such other political forces and civil society as agreed by the Parties. Such composition shall be reflected in the final Peace Agreement.
- 2.12.5 The National Constitutional Review Commission shall have as its first task the preparation of a Legal and Constitutional Framework text in the constitutionally appropriate form, based on the Peace Agreement and the current Sudan Constitution, for adoption by the National Assembly. The same text shall be presented to the SPLM National Liberation Council for

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adoption. In the event of a contradiction, the terms of the Peace Agreement shall prevail in so far as that contradiction exists.

- 2.12.6 Without prejudice to the provisions of 2.12.5 above, the National Constitutional Review Commission in the preparation of the Legal and Constitutional Framework Text, shall draw upon relevant experiences and documents as may be presented by the Parties.
- 2.12.7 Upon adoption by the National Assembly and the SPLM National Liberation Council, the Constitutional Text shall become the Interim National Constitution for the Sudan during the Interim Period.
- 2.12.8 Pending the adoption of the Constitutional Text, the Parties agree that the legal status quo in their respective areas shall remain in force.
- 2.12.9 The National Constitutional Review Commission shall also be required to prepare such other legal instruments as is required to give effect to the Peace Agreement. It shall provide in such draft statutes or in the Constitutional Text for the appointment and other mechanisms to ensure the independence of such National Institutions as are referred to in Section 2.10 herein.
- 2.12.10 Without prejudice to the provisions of the Peace Agreement, as a subsequent task and during the course of the six-year Interim Period, the National Constitutional Review Commission shall be responsible for organizing an inclusive Constitutional Review Process. The process must provide for political inclusiveness and public participation.
- 2.12.11 Without prejudice to the functions of the State Legislatures, the National Constitutional Review Commission shall prepare model Constitutions for the States, subject to compliance with the National Constitution, and, as relevant, the Constitution of Southern Sudan.
- 2.12.12 The National Ministry of Justice shall, with the assistance of concerned attorneys, declare the compatibility of the constitution of Southern Sudan with the Interim National Constitution, and also declare the compatibility of the constitutions of the States with the Interim National Constitution and, as appropriate, with the constitution of Southern Sudan. Upon such declaration, the same constitutions shall be signed by the head of the appropriate level of government.

PART III

3. Government of Southern Sudan

- 3.1 In respect of the Southern Sudan, there shall be a Government of Southern Sudan (GOSS), as per the borders of 1/1/56, which shall consist of:-
- 3.1.1 The Legislature of Southern Sudan;
 - 3.1.2 The Executive of Southern Sudan;
 - 3.1.3 The Judiciary of Southern Sudan;
- 3.2 The Government of Southern Sudan shall function in accordance with a Southern Sudan Constitution, which shall be drafted by an inclusive Southern Sudan Constitutional Drafting Committee and adopted by the Transitional Assembly of Southern Sudan by a two-thirds ($\frac{2}{3}$) majority of all members. It shall conform with the Interim National Constitution.
- 3.3 The powers of the Government of Southern Sudan shall be as set forth in Schedules B and D, read together with Schedules E and F, the Interim National Constitution, Southern Sudan Constitution, and the Peace Agreement.
- 3.4 A primary responsibility of the Government of Southern Sudan will be to act as an authority in respect of the States of Southern Sudan, to act as a link with the National Government and to ensure that the rights and interests of the people of Southern Sudan are safeguarded during the Interim Period.

3.5 Legislature of Southern Sudan

- 3.5.1 Pending the elections, the First Southern Sudan Assembly shall be an inclusive, constituent legislature comprised of:-
- 3.5.1.1 The SPLM shall be represented by Seventy Percent (70%);
 - 3.5.1.2 The NCP shall be represented by Fifteen Percent (15%);
 - 3.5.1.3 The other Southern political forces shall be represented by Fifteen Percent (15%).
- 3.5.2 The Southern Sudan Assembly shall, in accordance with the Constitution adopted by it, provide for the election of its Speaker and other office holders.
- 3.5.3 When enacting the Constitution of Southern Sudan, the Assembly of Southern Sudan shall be empowered to assign such powers as set forth in Schedules B and D, read together with Schedules E and F, to the Government of Southern Sudan.
- 3.5.4 The Southern Sudan Constitution shall make provision for the Assembly of Southern Sudan to be re-constituted through elections in accordance with the

provisions herein related to the timing of general elections. The Constitution of the Southern Sudan shall also make provision for the election of the President and appointment of the Vice President of the Government of Southern Sudan. Such elections shall be in accordance with the provisions set forth by the National Electoral Commission specified in sub-paragraph 2.10.1.1 herein.

- 3.5.5 The Assembly of Southern Sudan may amend the Constitution of the Southern Sudan by a two-thirds ($\frac{2}{3}$) majority vote of all members.
- 3.5.6 Apart from applicable national legislation, legislative authority in Southern Sudan shall be vested in the Assembly of Southern Sudan. It shall establish its own offices, committees and rules of procedure. It shall elect a Speaker and Deputy Speaker and other officers at its first meeting.

3.6 The Southern Sudan Executive

- 3.6.1 An Executive Council of Ministers appointed by the President of the Government of Southern Sudan, in consultation with his/her Vice President and approved by the Assembly of Southern Sudan, shall be established in accordance with the Southern Sudan Constitution. The Executive Council of Ministers shall be accountable to the President of the Government of Southern Sudan and the Southern Sudan Assembly in the performance of their functions and may be removed by a motion supported by two-thirds ($\frac{2}{3}$) of all the members of the Southern Sudan Assembly.
- 3.6.2 The Executive Authority of Southern Sudan shall establish such independent institutions as the Peace Agreement, the Interim National Constitution and the Southern Sudan Constitution contemplate. It shall be empowered to establish such further commissions and institutions compatible with its powers as it deems necessary to promote the welfare of its people, good governance and justice.
- 3.6.3 The Government of Southern Sudan shall be established with due regard to the need for inclusiveness.
- 3.6.4 Prior to elections, the Government of Southern Sudan shall be allocated as follows:-
- 3.6.4.1 The SPLM shall be represented by Seventy Percent (70%);
 - 3.6.4.2 The NCP shall be represented by Fifteen Percent (15%);
 - 3.6.4.3 The other Southern political forces shall be represented by Fifteen Percent (15%).
- 3.6.5 The Government of Southern Sudan shall discharge its obligations and exercise such rights and powers in regard to administration, security, financial, and development issues as is set forth in the Southern Sudan Constitution, the Interim National Constitution, the Peace Agreement and

any other agreement relating to the reconstruction and development of the Southern Sudan.

- 3.6.6 (a) Should the post of the President of GOSS fall vacant, and pending the nomination and swearing in of the new President, the functions of the President shall be assumed by the Vice President of GOSS;
- (b) Should the post of the President of GOSS fall vacant in the period prior to elections, the Office of the President of GOSS shall be filled by a nominee of the SPLM within two (2) weeks;
- (c) Should the post of the President fall vacant in the period after the elections, the post shall be filled through elections which shall be held within sixty (60) days.

3.7 The Judiciary of Southern Sudan

3.7.1 There shall be at the Southern Sudan Level:-

- 3.7.1.1 A Supreme Court of Southern Sudan;
- 3.7.1.2 Courts of Appeal; and
- 3.7.1.3 Any such other courts or tribunals as deemed necessary to be established in accordance with the Southern Sudan Constitution and the law.

3.7.2 The Constitution of Southern Sudan shall provide for a Supreme Court for Southern Sudan which shall be the highest court in the South and to which appeals may lie from Southern state courts or other Courts of Southern Sudan on matters brought under or relating to Southern state, Southern Sudan or National law, as may be determined by the Constitution of Southern Sudan.

3.7.3 The Southern Sudan Supreme Court shall:-

- 3.7.3.1 Be the court of final judicial instance in respect of any litigation or prosecution under Southern State or Southern Sudan law, including statutory and customary law, save that any decisions arising under National Laws shall be subject to review and decision by the National Supreme Court;
- 3.7.3.2 Have original jurisdiction to decide on disputes that arise under the Constitution of Southern Sudan and the constitutions of Southern Sudan states at the instance of individuals, juridical entities or of government;
- 3.7.3.3 Adjudicate on the constitutionality of laws and set aside or strike down laws or provisions of laws that contradict the Constitution of Southern Sudan or the constitutions of Southern Sudan states;
- 3.7.3.4 Be a court of review and cassation in respect of any criminal or civil matter arising out or under Southern Sudan Laws;

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- 3.7.3.5 Have criminal jurisdiction over the President and Vice President of the Government of Southern Sudan and the Speaker of Southern Sudan Legislature;
 - 3.7.3.6 Review death sentences imposed by Southern Sudan courts in respect of matters arising out of or under Southern Sudan Laws;
 - 3.7.3.7 Have such other jurisdictions as determined by Southern Sudan Constitution, the Peace Agreement and the Law.
- 3.7.4 Judges of the Courts of Southern Sudan shall perform their functions without political interference, shall be independent, and shall administer the law without fear or favour. The provisions of the Southern Sudan Constitution and the Law shall protect their independence.
- 3.7.5 Without prejudice to Sub-paragraph 2.11.4.4, the Legislature of Southern Sudan shall provide for appointments, terms of service and dismissal of Southern Sudan appointed Judges.



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PART IV

4. Institutions at the State level

4.1 The Institutions at the State level shall consist of:-

- 4.1.1 The State Legislature;
- 4.1.2 The State Executive; and
- 4.1.3 The State Judiciary.

4.2 There shall be legislative, executive, and judicial institutions at state level which shall function in accordance with this Agreement, the Interim National Constitution and, in respect of the states of Southern Sudan, also with the Constitution of Southern Sudan.

4.3 Local Government is an important level of Government and its election, organization and proper functioning shall be the responsibility of the states, in accordance with the relevant state constitution.

4.4 The State Legislature

4.4.1 There shall be a State Legislature comprised of members elected in accordance with the electoral provisions herein and as set forth by the National Electoral Commission referred to in sub-paragraph 2.10.1.1 herein.

4.4.2 Pending the elections referred to in sub-article 4.4.1 herein, the composition of the state legislatures shall be comprised as follows:-

4.4.2.1. The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;

4.4.2.2. The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:-

- (i) Ten Percent (10%) in the Southern states to be filled by the NCP;
- (ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and
- (iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces respectively.

4.4.3. The elections referred to in sub-article 4.4.1. herein shall take place on the same date as the elections for the National Assembly referred to in Section 1.8.3.

4.4.4. The state legislatures shall prepare and adopt state constitutions provided that they are in conformity with the National Constitution, the Peace Agreement,

and for Southern States, also in conformity with the Constitution of Southern Sudan.

- 4.4.5. The State Legislature shall have law-making competency in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F.
- 4.4.6. Members of the State Legislature and the State Council of Ministers, including the Governor, shall have such immunities as are provided by law.
- 4.4.7. The State Legislature shall decide its own rules, procedures, and committees, and elect its Speaker and other officers.

4.5 The State Executive

4.5.1 Prior to elections the state executives shall be allocated as follows:-

4.5.1.1 The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;

4.5.1.2 The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:-

- (i) Ten Percent (10%) in the Southern states to be filled by the NCP;
- (ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and
- (iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces, respectively.

4.5.2 As part of the Ten Percent (10%) share of the NCP in Southern states the two Parties agreed as follows:-

- (i) The Governor of one Southern State shall be a nominee of the NCP;
- (ii) One Deputy Governor in a different Southern State shall be a nominee of the NCP.

4.5.3 The States' Council of Ministers shall be appointed by the Governor in accordance with the State Constitution, having regard to the need for inclusiveness. The State Ministers shall be accountable to the Governor and the State Legislature in the performance of their functions and may be removed by the Governor on a motion supported by two-thirds ($\frac{2}{3}$) of all the members of the State Legislature.

4.5.4 The Governor shall, together with the States' Council of Ministers appointed by him/her, exercise the executive powers of the state which shall be in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F, and such other executive competencies as are conferred upon the State by

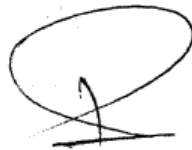
the Interim National Constitution, the Southern Sudan Constitutions, the State Constitutions, and the Peace Agreement.

- 4.5.5 State Governors must sign any law duly approved by the State Legislature, failing which, after thirty (30) days it shall be deemed to have been signed into law by the State Governor. Where the State Governor withholds his/her signature, he/she must present reasons for his/her refusal to so sign when re-introducing the bill to the State Legislature within the 30-day period stated within. The Bill shall become law if the State Legislature again passes the bill by two-thirds ($\frac{2}{3}$) majority of all the members and the assent of the Governor shall not be required.

4.6 State Judicial Institutions

- 4.6.1 The State Constitutions shall provide for the establishment of such state courts by the State Judiciary as necessary.
- 4.6.2 State legislation must provide for:-
- 4.6.2.1 The appointment and dismissal of State-appointed judges (lay magistrates); and
 - 4.6.2.2 Guarantees of the independence and impartiality of the judiciary and ensure that judges shall not be subject to political or other interference.
- 4.6.3 State Courts shall have civil and criminal jurisdiction in respect of State, Southern Sudan, and National Laws, save that a right of appeal shall lie as provided in this Agreement.
- 4.6.4 Notwithstanding sub-paragraph 4.6.3, the National Legislature shall determine the civil and criminal procedures to be followed in respect of litigation or prosecution under National laws in accordance with the Interim National Constitution.
- 4.6.5 The structures and powers of the Courts of the States of Southern Sudan shall be subject to the provisions of this Agreement and the Constitution of Southern Sudan.

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PART V: SCHEDULES

Schedule A: National Powers

Exclusive competencies (Legislative and Executive Powers) of the National Government.

1. National Defense and National Security and Protection of the National Borders;
2. Foreign Affairs and International Representation;
3. Nationality and Naturalization;
4. Passports and Visas;
5. Immigration and Aliens;
6. Currency, Coinage and Exchange Control;
7. Constitutional Court and such National Courts responsible for enforcing or applying National laws;
8. National Police (including Criminal Investigation Department – CID, Coordination of International, Regional and bilateral Criminal Matters, and Standards and Regulations including the standards for training the police in the National Capital);
9. The fixing of and providing for salaries and allowances of civil and other officers of the National Government;
10. Postal Services;
11. Civil Aviation;
12. Maritime shipment;
13. Beacons;
14. Navigation and Shipment;
15. National Lands and National natural resources;
16. Central Bank, the Incorporation of National banks and issuing of paper money;
17. Bills of Exchange and Promissory Notes;
18. Weights, Measures and Standards, Dates and Standards of Time;
19. Meteorology;
20. Establishment and Maintenance of National Prisons;
21. National Institutions as envisaged under the Peace Agreement or as set forth in the Interim National Constitution;
22. Customs, Excise and Export Duties;
23. Intellectual Property Rights, including Patents and Copyright;
24. National Flag, National Emblem and National Anthem;
25. Signing of International Treaties on behalf of the Republic of Sudan;
26. National Debt and borrowing on public credit;
27. National Census, National Surveys and National Statistics;
28. National States of Emergency;
29. International and Inter-State Transport, including roads, airports, waterways, harbours and railways;
30. National Public Utilities;
31. National Museums and National Heritage Sites;
32. National Economic Policy and Planning;

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33. Nile Water Commission, the management of the Nile Waters, transboundary waters and disputes arising from the management of interstate waters between Northern states and any dispute between Northern and Southern states;
34. National information, publications, telecommunications regulations;
35. National Taxation and National Revenue Raising;
36. National Budget;
37. Laws providing for National elections and their supervision by the Electoral Commission;
38. Issuance of National ID Card.

Schedule B: Powers of the Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

1. The adoption and amendment of the Constitution of the Government of Southern Sudan (subject to compliance with the Interim National Constitution);
2. Police, Prisons and Wildlife Services;
3. Security and military forces during the Interim Period (subject to Agreement on Security Arrangements);
4. Legislation relating to the Government of Southern Sudan structures for the delivery of services at all levels of Government of Southern Sudan;
5. Borrowing of money on the sole credit of the Government of Southern Sudan within the national macro-economic policy;
6. Planning for Southern Sudan Government services including health, education, and welfare, etc;
7. The appointment, tenure and payment of Government of Southern Sudan (GOSS) officers and civil servants;
8. Development of financial resources for the Government of Southern Sudan;
9. The co-ordination of Southern Sudan services or the establishment of minimum Southern Sudan standards or the establishment of Southern Sudan uniform norms in respect of any matter or service referred to in Schedule C or Schedule D, read together with Schedule E, with the exception of Item 1 of Schedule C, including but not limited to, education, health, welfare, police (without prejudice to the National Standards and Regulations), prisons, state public services, such authority over civil and criminal laws and judicial institutions as is specified in the Schedules, lands, reformatories, personal law, intra-state business, commerce and trade, tourism, environment, agriculture, disaster intervention, fire and medical emergency services, commercial regulation, provision of electricity, water and waste management services, local Government, animal control and veterinary services, consumer protection, and any other matters referred to in the above Schedules;
10. Any power that a State or the National Government requests it to exercise on its behalf, subject to the agreement of the Government of Southern Sudan or that for reasons of efficiency the Government of Southern Sudan itself requests to exercise in Southern Sudan and that other level agrees;
11. Referenda in Southern Sudan on matters affecting Southern Sudan as a whole within the competencies of Southern Sudan Government;
12. Taxation and revenue raising in Southern Sudan as a whole;

13. Southern Sudan Budget, subject to the agreement on Wealth Sharing;
14. GOSS Public utilities;
15. GOSS flag, emblem;
16. Reconstruction and development of the Southern Sudan as a whole, subject to the provisions of the Wealth Sharing Agreement;
17. GOSS information, publications, media and telecommunications utilities;
18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;
19. Any matter relating to an item referred to in schedule D that cannot be dealt with effectively by a single State and requires GOSS legislation or intervention including, but not limited to the following:-
 - 19.1. Matters relating to businesses, trade licenses and conditions of operation;
 - 19.2. Natural resources and forestry;
 - 19.3. Town and rural planning;
 - 19.4. Disputes arising from the management of interstate waters strictly within Southern Sudan;
 - 19.5. Fire fighting and ambulance services;
 - 19.6. GOSS reformatory institutions;
 - 19.7. Firearm licenses within Southern Sudan; and
 - 19.8. GOSS recreation and sports.
20. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded exclusive authority;
21. Southern Sudan census and statistics within the competence of the Southern Sudan Government;
22. Issuance of identity cards within Southern Sudan, driving licenses and other appropriate documentation.

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out hereunder:-

1. The Constitution of the State, subject to compliance with the National Constitution, and, as relevant, the Constitution of Southern Sudan;
2. State Police, prisons;
3. Local Government;
4. State information, state publications and state media;
5. Social Welfare including State pensions;
6. The Civil Service at the State level;
7. The State Judiciary and administration of justice at State level including maintenance and organization of State Courts, and subject to national norms and standards, civil and criminal procedure;
8. State Land and State Natural Resources;
9. Cultural matters within the State;

10. Regulation of religious matters subject to the National Constitution and the Peace Agreement;
11. Internal and external borrowing of money on the sole credit of the State within the National macro-economic framework;
12. The establishment, tenure, appointment, and payment of State officers;
13. The management, lease and utilization of lands belonging to the State;
14. The establishment, maintenance and management of reformatory institutions;
15. The establishment, regulation, and provision of health care, including hospitals and other health institutions;
16. Regulation of businesses, trade licenses, working conditions, hours, and holidays within the State;
17. Local works and undertakings;
18. Registration of marriage, divorce, inheritance, births, deaths, adoption and affiliations;
19. Enforcement of State laws;
20. Statutes enacted under the Penal Law power, save for the penalization for the breach of National laws relating to the national competencies;
21. The development, conservation and management of State natural resources and State forestry resources;
22. Primary and secondary schools and education administration in regard thereto;
23. Laws in relation to Agriculture within the State;
24. Airstrips other than international and national airports within civil aviation regulations;
25. Intrastate public transport and roads;
26. Population policy and family planning;
27. Pollution control;
28. State statistics, and State surveys;
29. State referenda;
30. Charities and endowment;
31. Quarrying regulations, (subject to the Agreement on Wealth Sharing);
32. Town and rural planning;
33. State cultural and heritage sites, State libraries, State museums, and other historical sites;
34. Traditional and customary law;
35. State finances;
36. State irrigation and embankments;
37. State Budget;
38. State archives, antiquities, and monuments;
39. Direct and indirect taxation within the State in order to raise revenue for the State;
40. State public utilities;
41. Vehicle licensing;
42. Fire fighting and ambulance services;
43. Recreation and sport within the State;
44. Firearms Licenses;
45. Flag and emblem.

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Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:-

1. Economic and Social Development in Southern Sudan;
2. Legal and other professions and their associations;
3. Tertiary education, education policy and scientific research;
4. Health policy;
5. Urban development, planning and housing;
6. Trade, commerce, Industry and industrial development;
7. Delivery of public services;
8. Banking and insurance;
9. Bankruptcy and insolvency;
10. Manufacturing licenses;
11. Airports only with respect to the GOSS in accordance with Civil Aviation standards and regulations;
12. River transport;
13. Disaster preparedness, management and relief and epidemics control;
14. Traffic regulations;
15. Electricity generation and water and waste management;
16. Information, Publications, Media, Broadcasting and Telecommunications;
17. Environmental management, conservation and protection;
18. Relief, Repatriation, Resettlement, Rehabilitation and Reconstruction;
19. Without prejudice to the National Regulation, and in the case of Southern States, the regulation of Southern Sudan Government, the initiation, negotiation and conclusion of International and Regional Agreements on culture, sports, trade, investment, credit, loans, grants and technical assistance with foreign governments and foreign non-governmental organizations;
20. Financial and economic policies and planning;
21. Women's empowerment;
22. Gender policy;
23. Animal and livestock control, animal diseases, pastures and veterinary services;
24. Consumer safety and protection;
25. Residual powers, subject to schedule E;
26. Mother, Child protection and care;
27. Water Resources other than interstate waters;
28. Notwithstanding Schedules A, B and C, such matters relating to taxation, royalties and economic planning as specified in the Agreement on Wealth Sharing;
29. Southern Sudan and State Courts responsible for enforcing or applying National laws;
30. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded concurrent authority;
31. Human and animal drug quality control.

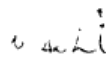
Schedule E: Residual Powers

The residual powers shall be dealt with according to its nature (e.g., if the power pertains to a national matter, requires a national standard, or is a matter which cannot be regulated by a single state, it shall be exercised by the National Government. If the power pertains to a matter that is usually exercised by the state or local government, it shall be exercised by the state). Where a matter is susceptible to Southern Sudan regulation, in respect of the states of Southern Sudan, it shall be exercised by the Government of Southern Sudan.

Schedule F: Resolution of Conflicts in Respect of Concurrent Powers:

If there is a contradiction between the provisions of Southern Sudan law and/or a State law and/or a National law, on the matters referred in Schedule D, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to:-

1. The need to recognize the sovereignty of the Nation while accommodating the autonomy of Southern Sudan or of the States;
2. Whether there is a need for National or Southern Sudan norms and standards;
3. The principle of subsidiarity;
4. The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms.



CHAPTER III

WEALTH SHARING

SIGNED AT NAIVASHA, KENYA ON 7TH JANUARY, 2004

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1. Guiding Principles in Respect of an Equitable Sharing of Common Wealth

- 1.1 The Parties agree that the guiding principles and provisions below shall be the basis for the comprehensive text on Wealth Sharing.
- 1.2 The wealth of Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties.
- 1.3 The National Government shall also fulfil its obligation to provide transfers to the Government of Southern Sudan.
- 1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.
- 1.5 The Parties agree that Southern Sudan faces serious needs to: (i) be able to perform basic government functions, (ii) build up the civil administration, and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan.
- 1.6 The Parties agree that Nuba Mountains, Southern Blue Nile, Abyei and other war affected areas face serious needs to: (i) be able to perform basic government functions, (ii) establish and build civil administration and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan.
- 1.7 That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. To achieve these objectives will take time and effort to build up local institutional, human and economic capacity. For this purpose, two special funds shall be established as provided herein.
- 1.8 That revenue sharing should reflect a commitment to devolution of power and decentralisation of decision-making in regard to development, service delivery and governance.
- 1.9 The development of infrastructure, human resources, sustainable economic development and the capacity to meet human needs shall be conducted within a framework of transparent and accountable government.

- 1.10 That the best known practices in the sustainable utilization and control of natural resources shall be followed.
- 1.11 This Agreement sets out the respective types of income, revenue, taxes and other sources of wealth to which the various levels of government are entitled.
- 1.12 The Parties recognize that the National Government, during the Interim Period, will need to mobilize additional national resources.
- 1.13 There is a limit on how much additional national resources can be mobilized and part of the national needs in a post-conflict Sudan will have to be met by external assistance.
- 1.14 The National Government shall not withhold an allocation due to a state/region¹ or the Government of Southern Sudan. Any level of Government may initiate proceedings in the Constitutional Court should any other organ or level withhold monies due to it. The National Government shall make transfers to the Government of Southern Sudan based on the principles established.
- 1.15 In agreeing to these wealth sharing arrangements the Parties signal to the international community that it will have to play a strong and constructive role in providing post-conflict construction/reconstruction assistance to Sudan, especially to Southern Sudan and other war affected and least developed areas.
- 1.16 The National Government shall assist the Government of Southern Sudan, during the Pre-Interim Period, in cooperation with international organizations, to develop and implement a program for capacity enhancement in the South. The highest priority should be public finance and intergovernmental relations, including expenditure management to ensure accountability.

2. Ownership of Land and Natural Resources

- 2.1 Without prejudice to the position of the Parties with respect to ownership of land and subterranean natural resources, including in Southern Sudan, this Agreement is not intended to address the ownership of those resources. The Parties agree to establish a process to resolve this issue.
- 2.2. The Parties agree that the regulation, management, and the process for the sharing of wealth from subterranean natural resources are addressed below.
- 2.3. The Parties record that the regulation of land tenure, usage and exercise of rights in land is to be a concurrent competency exercised at the appropriate levels of government.
- 2.4. Rights in land owned by the Government of Sudan shall be exercised through the appropriate or designated levels of Government.

¹ The issue of nomenclature will be resolved in the power sharing agreement.

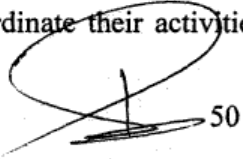
- 2.5. The Parties agree that a process be instituted to progressively develop and amend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.
- 2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions:
- 2.6.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.
 - 2.6.2 The party or group making claims in respect of land may make a claim against the relevant government and/or other Parties interested in the land.
 - 2.6.3 The National Land Commission may at its discretion entertain such claims.
 - 2.6.4 The Parties to the arbitration shall be bound by the decision of the National Land Commission on mutual consent and upon registration of the award in a court of law.
 - 2.6.5 The National Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principles of equity.
 - 2.6.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:
 - 2.6.6.1 Land reform policies;
 - 2.6.6.2 Recognition of customary land rights and/or law.
 - 2.6.7 Assess appropriate land compensation, which need not be limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.
 - 2.6.8 Advise different levels of government on how to co-ordinate policies on national projects.
 - 2.6.9 Study and record land use practices in areas where natural resource exploitation occurs.
 - 2.6.10 The National Land Commission shall be representative and independent. The composition of the membership and terms of appointment of the National Land Commission shall be set by the legislation constituting it. The Chairperson of the National Land Commission shall be appointed by the Presidency.
 - 2.6.11 The National Land Commission may conduct hearings and formulate its own rules of procedure.
 - 2.6.12 The National Land Commission will have its budget approved by the Presidency and will be accountable to the Presidency for the due performance of its functions.

2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions:

- 2.7.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.
- 2.7.2 The party or group making claims in respect of land may make a claim against the relevant government and/or other Parties interested in the land.
- 2.7.3 The Southern Sudan Land Commission may entertain such claims at its discretion.
- 2.7.4 The Parties to the arbitration shall be bound by the Southern Sudan Land Commission's decision on mutual consent and upon registration of the award in a court of law.
- 2.7.5 The Southern Sudan Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principles of equity.
- 2.7.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:
 - 2.7.6.1 Land reform policies;
 - 2.7.6.2 Recognition of customary land rights and/or law.
- 2.7.7 Assess appropriate land compensation, which need not be limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.
- 2.7.8 Advise different levels of government on how to co-ordinate policies on GOSS projects.
- 2.7.9 Study and record land use practices in areas where natural resource exploitation occurs.
- 2.7.10 The Southern Sudan Land Commission shall be representative and independent. The composition of the membership and terms of appointment of the Southern Sudan Land Commission shall be set by the legislation constituting it. The Chairperson of the Southern Sudan Land Commission shall be appointed by the President of the Government of Southern Sudan.
- 2.7.11 The Southern Sudan Land Commission may conduct hearings and formulate its own rules of procedure.
- 2.7.12 The Southern Sudan Land Commission shall have its budget approved by the Government of Southern Sudan and shall be accountable to the President of the Government of Southern Sudan for the due performance of its functions.

2.8 The National Land Commission and the Southern Sudan Land Commission shall co-operate and co-ordinate their activities so as to use their resources efficiently.

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Without limiting the matters of coordination, the National Land Commission and the Southern Sudan Land Commission may agree:

- a) to exchange information and decisions of each Commission;
- b) that certain functions of the National Land Commission, including collection of data and research, may be carried out through the Southern Sudan Land Commission;
- c) on the way in which any conflict between the findings or recommendations of each Commission may be resolved

2.9 In the case of conflict between the findings or recommendations of the National Land Commission and the Southern Sudan Land Commission, which cannot be resolved by agreement, the two Commissions shall reconcile their positions. Failure to reconcile, the matter shall be referred to the Constitutional Court.

3. Oil Resources

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:

3.1.1 Sustainable utilization of oil as a non-renewable natural resource consistent with:

- a) the national interest and the public good;
- b) the interest of the affected states/regions;
- c) the interests of the local population in affected areas;
- d) national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles.

3.1.2 Empowerment of the appropriate levels of government to develop and manage, in consultation with the relevant communities, the various stages of oil production within the overall framework for the management of petroleum development during the Interim Period.

3.1.3 Give due attention to enabling policy environment for the flow of foreign direct investment by reducing risks associated with uncertainties regarding the outcome of the referendum on self-determination at the end of the Interim Period.

3.1.4 A stable macroeconomic environment that emphasizes stability of the petroleum sector.

3.1.5 Persons enjoying rights in land shall be consulted and their views

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shall duly be taken into account in respect of decisions to develop subterranean natural resources from the area in which they have rights, and shall share in the benefits of that development.

- 3.1.6 Persons enjoying rights in **land are entitled to compensation** on just terms arising from acquisition or development of land for the extraction of subterranean natural resources from the area in respect of which they have rights.
- 3.1.7 The communities in whose areas development of subterranean natural resources occurs have the right to participate, through their respective states/regions, in the negotiation of contracts for the development of those resources.
- 3.1.8 Regardless of the contention over the ownership of land and associated natural resources, the Parties agree on a framework for the regulation and management of petroleum development in Sudan during the Interim Period.

B. National Petroleum Commission (NPC)

3.2 The Parties agree that an independent National Petroleum Commission (NPC) shall be established during the Pre-Interim Period and its decisions shall be by consensus.

3.3 Taking into account the provisions elsewhere in this Agreement, the NPC shall be constituted as follows:

- a) The President of the Republic and President of the GOSS as Co-chairs and permanent members;
- b) four (4) permanent members representing the National Government;
- c) four (4) permanent members representing the GOSS; and
- d) not more than three (3) representatives of an oil producing State/Region in which petroleum development is being considered, non-permanent members.

3.4 The NPC shall have the following functions:

- 3.4.1 Formulate public policies and guidelines in relation to the development and management of the petroleum sector consistent with paragraph 3.1.1.
- 3.4.2 Monitor and assess the implementation of those policies to ensure that they work in the best interests of the people of Sudan.
- 3.4.3 Develop strategies and programs for the petroleum sector.
- 3.4.4 Negotiate and approve all oil contracts for the exploration and development of oil in the Sudan, and ensure they are consistent with the NPC's principles, policies and guidelines.
- 3.4.5 Develop its internal regulations and procedures.

3.5 In performing the functions referred to in paragraph 3.4 above, the NPC shall take into account relevant considerations, including the following:

- 3.5.1 The extent to which the contract provides benefits to local communities affected by the development.
- 3.5.2 The extent to which the views of the state/region and the affected groups are incorporated in the proposed contracts.
- 3.5.3 If the NPC decides to approve the contract, persons holding rights in land who are aggrieved by the decision shall seek relief through arbitration or in a court of law.
- 3.5.4 If the non-permanent members of the NPC representing the oil producing State/Region collectively disagree with the decision of the NPC to approve the contract related to their State/Region, the National Minister of Petroleum shall not sign the contract and shall refer the matter to the Council of States/Regions. If the Council of States/Regions rejects the objection by two-thirds ($\frac{2}{3}$) majority, the National Minister of Petroleum shall sign the contract. If the Council of States/Regions does not reject the objection by two-thirds ($\frac{2}{3}$) majority within 24 sitting days of receiving it, the Council of States/Regions shall remit the objection within that period and by two-thirds ($\frac{2}{3}$) majority to a mechanism established by the Council to arbitrate on the objection. The arbitration decision shall be made within six calendar months of referral to arbitration. The arbitration decision shall be binding.
- 3.5.5. If the NPC approves the contract the National Minister of Petroleum shall sign the contract on behalf of the Government of the Sudan.
- 3.5.6 In performing functions 3.4.1, 3.4.2, 3.4.3, and 3.4.5 of paragraph 3.4, the NPC shall include only its permanent members.
- 3.5.7 In performing function 3.4.4 of paragraph 3.4, the NPC shall include its permanent members and representatives of oil producing State/Region in which contracts for the exploration and development of the petroleum are being negotiated and considered for approval.

4. Existing Oil Contracts

- 4.1 The SPLM shall appoint a limited number of representatives to have access to all existing oil contracts. The representatives shall have the right to engage technical experts. All those who have access to the contracts will sign confidentiality agreements.
- 4.2 Contracts shall not be subject to re-negotiation.
- 4.3 If contracts are deemed to have fundamental social and environmental problems the Government of Sudan will implement necessary remedial measures.
- 4.4 The Parties agree that "existing oil contracts" mean contracts signed before the date of signature of the Comprehensive Peace Agreement.
- 4.5 Persons whose rights have been violated by oil contracts are entitled to compensation. On the establishment of these violations through due legal process

the Parties to the oil contracts shall be liable to compensate the affected persons to the extent of the damage caused.

5. Guiding Principles for Sharing Oil Revenue

- 5.1 The Parties agree that the basis for an agreed and definitive framework for the sharing of the wealth emanating from oil resources of Southern Sudan shall include the following:
- 5.1.1 The framework for sharing wealth from the extraction of natural resources should balance the needs for national development and reconstruction of Southern Sudan.
- 5.2 The Parties agree that a formula for sharing the revenue from oil resources shall be as set forth in this Agreement.
- 5.3 For the purposes of this Agreement, 'Net revenue from oil' shall be the sum of the net revenue (i) from exports of government oil and (ii) from deliveries of government oil to the refineries. Exports shall be valued at the actual Free on Board (FOB) export prices less the charges to deliver the oil to any export destination including pipeline and management charges. Oil delivered to the refinery shall be valued at the average FOB export prices during the last calendar month in which there was an export sale less the charges that would have been incurred to deliver the oil to any export destination including pipeline and management charges.
- 5.4 An Oil Revenue Stabilization Account shall be established from government oil net revenue derived from actual export sales above an agreed benchmark price. The benchmark price will be established annually as part of the national budget reflecting changing economic circumstances.
- 5.5 The Parties agree that at least two percent (2%) of oil revenue shall be allocated to the oil producing states/regions in proportion to output produced in such states/regions.
- 5.6 After the payment to the Oil Revenue Stabilization Account and to the oil producing states/regions, fifty percent (50%) of net oil revenue derived from oil producing wells in Southern Sudan shall be allocated to the Government of Southern Sudan (GOSS) as of the beginning of the Pre-Interim Period and the remaining fifty percent (50%) to the National Government and States in Northern Sudan.
- 5.7 A Future Generation Fund shall be established once national oil production reaches two (2) million barrels per day. This production criterion may, as part of the National Government's normal budget process, be reduced down to one (1) million barrels per day.

5.8 The Parties agree that all funds/special accounts referred to in this Agreement and future accounts shall be on-budget operations.

6. Sharing of Non-Oil Revenue

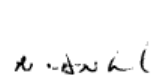
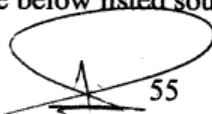
6.1 The National Government shall be entitled to legislate, raise and collect the below-listed taxes and to collect revenue from these sources:

- 6.1.1 National Personal Income Tax;
- 6.1.2 Corporate or Business Profit Tax;
- 6.1.3 Customs Duties and import taxes;
- 6.1.4 Sea-ports and Airports Revenue;
- 6.1.5 Service charges;
- 6.1.6 Oil revenues as set out herein;
- 6.1.7 National Government Enterprises and projects;
- 6.1.8 VAT or GST or other retail taxes on goods and services;
- 6.1.9 Excise Tax;
- 6.1.10 Any other tax as agreed upon in these negotiations;
- 6.1.11 Loans, including borrowing from the Central Bank and the public.

6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes:

- 6.2.1 The National revenue allocation to the Government of Southern Sudan and States/Regions from the National Revenue Fund as set forth in section 7.0 of this Agreement;
- 6.2.2 Revenue from any of the sources listed as state/region revenue sources referred to in paragraph 6.3 herein;
- 6.2.3 The Southern Sudan Reconstruction and Development Fund (SSRDF);
- 6.2.4 Oil revenues as is set out in this Agreement;
- 6.2.5 Southern Sudan Government Taxes, which do not encroach on the exclusive National Government taxing powers or which are contemplated in the Power Sharing Protocol;
- 6.2.6 Service charges of the Government of Southern Sudan;
- 6.2.7 Government of Southern Sudan enterprises and projects;
- 6.2.8 Grants in Aid and Foreign Aid;
- 6.2.9 Taxes and levies on small and medium business;
- 6.2.10 Excise taxes on goods within the region deemed to be luxury consumables;
- 6.2.11 Southern Sudan Personal Income Tax;
- 6.2.12 Any other taxes as may be agreed to from time to time;
- 6.2.13 Loans and Borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

6.3 The states/regions shall be entitled to raise and collect the below-listed taxes and revenue from the below listed sources:



- 6.3.1 State/Regional Land and property tax and royalties;
- 6.3.2 Service charges for state/regional services;
- 6.3.3 Licences;
- 6.3.4 State/Regional Personal Income Tax;
- 6.3.5 Levies on Tourism;
- 6.3.6 State/Regional share of oil Revenues as is set out in paragraphs 5.5 and 5.6 of this Agreement;
- 6.3.7 State/Regional Government projects and state/regional nature parks;
- 6.3.8 Stamp duties;
- 6.3.9 Agricultural Taxes;
- 6.3.10 Grants in Aid and Foreign Aid through the National Government and the GOSS;
- 6.3.11 Excise taxes;
- 6.3.12 Border Trade charges or levies in accordance with National Legislation;
- 6.3.13 Other state/region taxes which do not encroach on national or Southern Sudan Government taxes;
- 6.3.14 Any other tax as may be agreed to from time to time; and
- 6.3.15 Loans and borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

7. Equalization and Allocation to the National, Southern Sudan and State/Regional Levels of Government in Respect of Revenue Collected Nationally

- 7.1. All revenues collected nationally for or by the National Government shall be pooled in a National Revenue Fund (NRF) administered by the National Treasury. Such Fund shall embrace all accounts and sub-funds into which monies due to the Government are collected, reported or deposited.
- 7.2 All the revenues and expenditures of the Government will be on-budget operations and made public.
- 7.3 Notwithstanding the provisions of paragraphs 5.6, 7.1 and 13.1, the National Government shall allocate fifty percent (50%) of the national non-oil revenue collected in Southern Sudan, as provided for herein under paragraph 6.1 above, to the GOSS to partially meet the development cost and other activities during the Interim Period. The Parties agree to review this arrangement, at mid-term of the Interim Period, with the view of the National Government allocating additional resources to the Government of Southern Sudan.
- 7.4 As a result of the allocation arrangements in paragraph 7.3 above, the Parties agree to appeal to the international and donor community to help the Government of Southern Sudan by providing post-conflict reconstruction assistance especially at the beginning of the transition.

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7.5 The states/regions and the Government of Southern Sudan shall retain and dispose of such other income raised and collected under their own taxing powers.

8. **Fiscal and Financial Allocation and Monitoring Commission (FFAMC)**

8.1 To ensure transparency and fairness both in regard to the allocation of nationally collected funds to the states/regions and the Government of Southern Sudan, a Fiscal and Financial Allocation and Monitoring Commission shall be established. This body shall be comprised of experts nominated by the various states/regions, the Government of Southern Sudan and the National Government. Decision making arrangements of the FFAMC shall be as agreed to by the Parties.

8.2 The FFAMC shall undertake the following duties and responsibilities:

8.2.1 Monitor and ensure that equalization grants from the National Revenue Fund are promptly transferred to respective levels of government;

8.2.2 Ensure appropriate utilization and sharing of financial resources;

8.2.3 Ensure that resources allocated to war affected areas are transferred in accordance with agreed upon formulae; and

8.2.4 Ensure transparency and fairness in the allocation of funds to the GOSS and states/regions according to established ratios or percentages stipulated in this Agreement.

8.3. The FFAMC shall be composed of representatives from the National Government and the Government of Southern Sudan and States/Regions as follows:

a) Three (3) Representatives of the National Government;

b) Three (3) Representatives of the Government of Southern Sudan (GOSS);

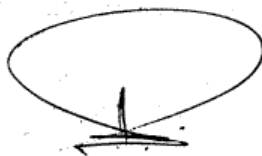
c) All Finance Ministers in all States/Regions of Sudan

8.4 The Chairperson of the FFAMC shall be appointed by the Presidency.

8.5 The FFAMC shall work out its own rules and procedures, which shall be approved by the Presidency.

9. **Interstate Commerce**

9.1 There shall be no legal impediment to interstate commerce or the flow of goods and services, capital or labour between the states/regions.



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10. Government Liabilities

- 10.1 Any debts/liabilities incurred by any level of government shall be the responsibility of that level of government.

11. Division of Government Assets

- 11.1 There shall be a fair and equitable division of government assets. An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related (e.g. school buildings to the level of government responsible for education). In the event of a dispute, the Parties agree that such dispute shall be referred to a committee comprising a representative of each of the Parties involved in the dispute and a mutually agreed expert.

12. Accounting Standards and Procedures and Fiscal Accountability

- 12.1 All levels of government shall comply with generally accepted accounting standards and procedures. There shall be institutions at the state/region, Government of Southern Sudan and National levels to ensure that funds are distributed according to the agreed government budget, and properly expended having regard to value for money.
- 12.2 To ensure the effective operation of such institutions, there shall be independent National and Southern Sudan Audit Chambers, which shall have responsibility for the functions referred to above. The National Audit Chamber shall set auditing standards. Appointments to the National Audit Chamber shall be made by the Presidency and confirmed by the National Assembly.
- 12.3 All levels of government shall hold all income and revenue received by it in public accounts and subject to public scrutiny and accountability.

13 Financing the Transition

- 13.1 The National Government shall assist, during the Pre-Interim Period to the extent that it is able, the SPLM/A in the establishment of the new transitional governments at the State/Regional level and the Government of Southern Sudan. The Government of Southern Sudan shall meet the direct costs of establishing these levels of government, with the assistance from the international community.
- 13.2 Upon signature of a Comprehensive Peace Agreement, the Parties shall establish a Joint National Transition Team to undertake the following:
- 13.2.1 Prepare budget estimates for the establishment of Governments at the National, Southern Sudan and state/regional levels as provided for by the Peace Agreement;

- 13.2.2 Organize and prepare relevant documents for the donor conference, including the agenda of the conference, letters of invitations and be a secretariat to the donors' conference;
- 13.2.3 Develop fund raising strategies, and assist in the identification of potential sources of funds necessary for a smooth and timely commencement of the Interim Period.

14. Monetary Policy, Banking, Currency and Borrowing

A. Monetary Policy, Banking and Currency

- 14.1. The Parties agree, consistent with the Machakos Protocol of 20th July 2002, to have a dual banking system in Sudan during the Interim Period. An Islamic banking system shall operate in Northern Sudan and conventional banking system shall operate in Southern Sudan.
- 14.2. The Parties agree that conventional banking facilities are urgently needed in Southern Sudan. The Parties therefore agree to establish, during the Pre-Interim Period, the Bank of Southern Sudan (BOSS) as a branch of Central Bank of Sudan (CBOS) consistent with paragraph 14.1 above.
- 14.3. The Parties agree to restructure, during the Pre-Interim Period, the CBOS so as to reflect the duality of the banking system in Sudan. The CBOS shall therefore use and develop two sets of banking instruments, one Islamic and the other Conventional, to regulate and supervise the implementation of a single monetary policy through: (i) an Islamic financing window in Northern Sudan under a deputy governor of CBOS using Islamic financing instruments to implement the national monetary policy in Northern Sudan; and (ii) the Bank of Southern Sudan (BOSS), headed by a deputy governor of CBOS, to manage the conventional window using conventional financing instruments in implementing the same national monetary policy in Southern Sudan.
- 14.4. The CBOS shall be responsible for the conduct of monetary policy. All banking institutions shall be subject to the rules and regulations set by the CBOS.
- 14.5. The primary responsibility and mandate of the CBOS shall be ensuring price stability, maintaining stable exchange rate, sound banking system and issuance of currency. The monetary policy shall be carried out accordingly relying primarily on market-based instruments instead of administrative allocation of credit.
- 14.6. The CBOS shall be fully independent in its pursuit of monetary policy.
- 14.7. The Governor of CBOS and his/her two deputies shall be appointed by the Presidency. The Governor of CBOS shall appoint in consultation with his/her two deputies other senior officers within the Central Bank.

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- 14.8. The Parties agree to establish, during the Pre-Interim Period, an independent Board of Directors (BOD). Decisions of BOD on matters that may affect adversely the interest of either Party to this Agreement shall be by consensus. The BOD shall be responsible to the Presidency on the accountability of the CBOS and shall consist of nine (9) members as follows:
- a) Governor of CBOS (Chairperson) and his/her two deputies and;
 - b) Six highly qualified Sudanese to be appointed by the Presidency taking into account the agreed formula in the Power Sharing Protocol for the institutions of the National Government.
- 14.9 The CBOS shall adopt a program to issue a new currency as soon as is practical during the Interim Period. The design of the new currency shall reflect the cultural diversity of Sudan. Until a new currency has been issued with the approval of the Parties on the recommendations of the CBOS, the circulating currencies in Southern Sudan shall be recognised.
- 14.10 The BOSS shall be responsible for chartering and supervising financial institutions in Southern Sudan.
- 14.11 All financial institutions shall be subject to internationally recognized regulatory and prudential standards for Islamic and conventional finance, as set by the CBOS.
- 14.12 All financial institutions shall be bound to implement monetary policies set by the CBOS.

B. Borrowing

- 14.13. The Government of Southern Sudan and the states/regions may borrow money based on their respective credit worthiness. Neither the National Government nor the CBOS shall be required or expected to guarantee borrowing by sub-national governments.
- 14.14 The GOSS and all sub-national governments shall report financial and fiscal data to the relevant National Government bodies for statistical purposes.
- 14.15 The Government of Southern Sudan and the states/regions may borrow money from foreign sources based on their respective credit worthiness.
- 14.16 Foreign borrowing by all sub-national governments shall be done in a manner that does not undermine national macroeconomic policies and shall be consistent with the objective of maintaining external financial viability. All sub-national governments' foreign borrowing transactions shall conform to the CBOS specifications.



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15. Reconstruction and Development Funds

A. Southern Sudan Reconstruction and Development Fund (SSRDF)

- 15.1. There shall be established a Southern Sudan Reconstruction and Development Fund (SSRDF) to solicit, raise and collect funds from domestic and international donors and disburse such funds for the reconstruction and rehabilitation of the infrastructure of the South, for the resettlement and reintegration of internally and externally displaced persons, and to address past imbalances in regional development and infrastructure.
- 15.2. A monitoring and evaluation system shall be established to ensure accountability, transparency, efficiency, equity and fairness in the utilization of resources.
- 15.3. The Government of Southern Sudan shall be responsible for expenditure from the fund and shall be entitled to raise additional funds by way of donation from foreign States, multilateral organizations, or other bodies for the purposes of the reconstruction and development of the southern states/regions. The Fund shall be transparently administered and professionally managed subject to an oversight committee appointed by the Government of Southern Sudan but having on it a representative of the National Ministry of Finance and of the National Audit Chamber.

B. National Reconstruction and Development Fund (NRDF)

- 15.4. There shall be established by the Treasury, a National Reconstruction and Development Fund (NRDF) having the mission of developing the war affected areas and least developed areas outside Southern Sudan and a steering committee with appropriate representation from such areas. A member of the Southern Sudan Ministry of Finance shall be a member of the Steering Committee. A report on the income, expenditure and the projects supported by the fund shall be placed before the National Assembly and the Council of States/Regions, which shall exercise oversight over the Fund.

C. Multi-Donor Trust Funds

- 15.5. The Parties recognize the need to establish, during the Pre-Interim Period, two Multi-Donor Trust Funds (MDTFs), one for the National Government and one for the Government of Southern Sudan to support urgent recurrent and investment budget costs under clearly stated criteria of eligible financing components. The Trust Funds shall be operational for the Pre-Interim Period, and shall thereafter be transformed into (i) one MDTF dedicated to the Southern Sudan Reconstruction and Development Fund (the "SSRDF"); and (ii) one MDTF dedicated to the National Reconstruction and Development Fund (the "NRDF").

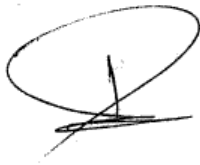
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- 15.6. The MDTFs shall commence immediately to support, among other things, priority areas of capacity building and institutional strengthening and quick start/impact programs identified by the Parties.
- 15.7. Both funds shall support urgent recurrent and investment budget costs under clearly stated criteria of eligible financing components, and both shall have the right to solicit, raise and collect funds from foreign donors.
- 15.8. All trust funds shall report the flow of funds to the CBOS.
- 15.9. To ensure proper accountability for funds disbursed through the MDTFs the Parties shall cause audits to be performed on funds used within six (6) months of the close of the recipient's financial year.
- 15.10. During the Pre-Interim as well as the Interim Period, funds may be channeled directly to finance activities beneficial to the National Government or the GOSS as the case may be.
- 15.11. During the Pre-Interim Period, the flow of foreign funds shall be through special accounts established in the Bank of Sudan for areas outside Southern Sudan and for Southern Sudan in a commercial bank in Southern Sudan until the Bank of Southern Sudan is established and operational. For the Interim Period: (i) the flow of foreign funds for the National Fund will go through the CBOS; and (ii) for the Southern Fund, the foreign funds will be disbursed through a special account at the Bank of Southern Sudan designated for the Government of Southern Sudan; or through arrangements as specified in the MDTF.

J.P.



A. al-Said

**THE IMPLEMENTATION MODALITIES OF THE
MACHAKOS AND POWER SHARING PROTOCOLS**

SIGNED AT NAIVASHA, KENYA ON 31ST DECEMBER, 2004

J.P.

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The Implementation Modalities of the Machakos and Power Sharing Protocols

December 31st, 2004

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
Machakos Protocol:							
1. Self determination Referendum for people of South Sudan							2.5 M.P 2.10.1.5
(a) Enactment of Referendum Act	Beginning of the third year of Interim Period.	National Legislature	GONU	N/A	Seat of National Legislature	Routine Legislative procedure	
(b) Establishment of Referendum Commission	Soon after enactment of Referendum Act	The Presidency	GONU and International Community	GONU, GOSS,	Khartoum	To be established by the Presidency in accordance with the CPA and the referendum Act.	
(c) Registration of voters	Starts at the beginning of the sixth year of the Interim Period and ends 3 months before the voting.	Referendum Commissior	GONU, GOSS and International community	N.A	Southern Sudan and any other locations to be determined by the Referendum Commission	Presentation of proof of eligibility upon registration in accordance with the Referendum Act	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
(d) Enlightenment campaign on the Referendum	After the establishment of the Referendum Commission	Referendum Commission	GONU, GOSS and international community	N/A	S. Sudan and wherever relevant	Mass media, meetings, public rallies, conferences, seminars, workshops etc.	
(e) Voting	Six months before the end of the Interim Period	Referendum Commission	GONU, GOSS and International Community.	N/A	Southern Sudan and any other locations to be determined by the Referendum Commission in accordance with the provisions of the Referendum Act	One-person one vote.	
2. Plan for 5 Rs (Repatriation, Resettlement, Reintegration Rehabilitation and Reconstruction)	In progress (JAM)	CCG/ JAM	International Community (JNTT)	The Parties to Comprehensive Peace Agreement (CPA)	Khartoum, seat of GOSS and any other location agreed to by the parties.	According to JNTT procedures	1.5.4 Machakos Protocol (MP)
3. Establishment of Assessment and Evaluation Commission (AEC)	During the Pre-interim Period after the adoption of Interim National Constitution (INC) and establishment of the Institution of the Presidency.	The Presidency	International Community and GONU	By the parties to the Agreement according provisions of Machakos protocol 2.4.1	Khartoum.	Through consultation by the parties to the Agreement.	2.4, and 2.4.1 MP

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
4. Improvement of institutions and arrangements created under the Agreement to making the unity of Sudan attractive to the people of Southern Sudan.	After adoption of the INC and establishment of the AEC	The Parties to the CPA and the AEC	GONU, the Parties and International Community	N/A	All over Sudan	To be determined by the Parties and the AEC.	2.4.2
5. Guarantees to safeguard CPA against Unilateral revocation or abrogation.	Upon signature of the CPA and up to the end of Interim Period	The Parties, IGAD and the International Community	N/A	N/A	N/A	Built-in Regional and International guarantees (AEC, and UN Peace Support Mission of the Ceasefire Agreement). The parties urge the international community to take necessary measures in support of the Peace Agreement and its full implementation.	2.6 MP

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
Power Sharing: Part I							
6. Enactment of Political Parties Act	Upon adoption of the Interim National Constitution (INC)	National Legislature	GONU	N/A	Khartoum	Whenever new legislation, such as this, is required under this Agreement, any existent law(s) dealing with the subject matter with respect to which the new legislation is being sought, shall be given due consideration. Such legislation shall be effected in accordance with routine legislature procedure	1.4.6 Power Sharing (PS)
7. National reconciliation and healing process (NRHP).	After adoption of the INC	Presidency	GONU	N/A	All over Sudan	Media, educational institutions, conferences and campaigns involving political parties, civil society organizations, religious and tribal leaders, etc	1.7 PS

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
8. National Population Census (NPC)							1.8.1 and 1.8.2
a) Establishment of the population Census Council	After the establishment of the institution of the Presidency	The Presidency	The Government of National Unity	Representative of the following: a) GONU b) GOSS c) The Council of States d) The States, and e) The Head of the Central Bureau of Statistics	Khartoum	The Population Census Council shall: a) Plan for the upcoming population census b) Set standards and criteria for the Central Bureau for Statistics c) Follow-up on the preparations leading upto the population census and oversee the actual census operation d) Report to the presidency regarding the Population Census	
b) Conduct of the Census	Second year of the Interim Period	Central Bureau of Statistics and the GOSS Centre for statistics and evaluation	GONU	N/A	All over the Sudan	Population Census to be conducted in cooperation with UNFPA	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
9. General Elections. a)Enactment of National Electoral Law	Within Six month from the start of the Interim Period	National Legislature (NL)	GONU	N/A	Khartoum	Column 7 of Item 6 in this Matrix applies.	1.8.3
b)Establishment of the National Electoral Commission	Within one month after the adoption of the law.	Presidency	All levels of government	From 7 to 9 competent, impartial and representative national figures to be selected by the Presidency (non-partisan).	Khartoum	According to law	1.8.3
c) General Elections comprising elections for the State Governors, National Assembly, the Legislature of southern Sudan, and State Legislatures all over Sudan.	Refer to (d) below	National Electoral Commission with all levels of government plus international Community (IC).	GONU	N/A	All over Sudan	According to law	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
d) Presidential elections and elections for the post of President of the government of southern Sudan (GOSS)	To be held concurrently with the General elections referred to above, not later than the end of the fourth year of the Interim Period	National Electoral Commission		N/A	All over Sudan	According to the law	2.3.7
10. Review of the feasibility of the dates set for census and elections	For the census six months before the end of the first two years into the Interim Period; for elections six months before the end of the third year of the Interim Period	Parties to the Agreement	N/A	N/A	Khartoum		1.8.4
PART II:							
11. The Council of States.	i) Establishment Within 2 weeks after enactment of the INC	Presidency	GONU	2 Representatives from each state + 2 representatives from Abyei Area as observers	The National Capital	Consultation by the Presidency and in the case of Southern Sudan by the President of GOSS after consultations with states institutions.	2.2.3.2

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
	ii) Appointment of members of the Council of States within two weeks from enactment of the INC.	Presidency	N/A	50 Representatives from the States and 2 representatives from Abyei Area.	N/A	Presidential Order.	
	iii) Convening of Council of States within two weeks of the enactment of the INC.	Presidency	N/A	N/A	N/A	In accordance with the INC.	
	iv) staffing of Council of States during the Pre-interim Period	The Council of States	GONU	As determined by the Council of States	Seat of GONU	The inaugural session shall be organized by the Secretariat of the National Assembly	
12. Establishment and convening of National Assembly	Within two weeks after the adoption of INC	The Presidency	GONU	450 members to be allocated according to the ratio 70%/30% North/South, 52% NCP (49% Northerner+ 3% Southerner); 28% SPLM (21% Southerner+ 7% Northerner); 14% Northern Political Forces;		Selection of other political forces to be agreed upon by the parties to the CPA. For convening by Presidential order	2.2.5

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
	iii) Staffing of the National Assembly seven days after enactment of the INC	The National Assembly	GONU	6% Southern Political Forces As determined by the National Assembly	Omdurman	In accordance with the provisions of section 2.6.2 of the PS protocol	
13. Determination of the scope of legislative competency of the National Assembly and the Council of States respectively	In the course of the work of the Parties 14 member Joint Constitutional Task Team charged with preparation of a draft Constitutional text for presentation to the NCRC	The Parties	N/A	N/A	Venue of the Joint Constitutional Task Team's work	Joint Constitutional Task Team to: (a) Decide types of Legislation to be exclusively enacted by the National Assembly and those that require joint action with the Council of States or alternatively, agree the establishment of a mechanism to resolve the issue. (b) Work out a mechanism to harmonize Bills being jointly considered by both Houses of	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
						the National Legislature prior to enactment of such Bills into Law and to generally coordinate the work of both Houses.	
14. Election of Speakers, Deputy speakers and other officers of the National Legislature.	Upon the convening of the first session in both Chambers.	Both chambers	N/A	N/A	N/A	By elections	2.2.12
15. Establishment of the Institution of the Presidency	Upon adoption and signature of the INC.	The President of the Republic	GONU	The President, the First Vice President and the Vice President	Khartoum	According to the INC and the CPA.	2.3.2
16. Defining the functions of the two Vice Presidents.	Implementation modalities	Parties to the CPA	N/A	N/A	N/A	As per attached Appendix A	2.3.3
17. Specification of appointments made by the President with the consent of the 1 st Vice President	During the implementation modalities process	The parties to the process	N/A	N/A	N/A	As per attached Appendix B	2.3.6.3

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
18. Establishment of Council of Ministers (prior to elections)	Within 30 days after the Adoption of INC.	The President of the Republic	GONU	30 Ministers and 34 State Ministers the numbers are Subject to review	Khartoum	In consultation with the First Vice President	2.3.12
19. The status of the Ministries of Defence, Guidance and Endowment, and Federal Governance	N/A	N/A	N/A	N/A	N/A	(a) The Jurisdiction of the Ministry of Defence shall not extend to the SPLA (b) The military chain of authority and command common to both Parties to the CPA shall strictly consist of: (i) The Presidency (ii) The Joint Defence Board (JDB) (ii) Command of the Joint Integrated Units (JIU's) (c) The jurisdiction of the Ministry of Guidance and Endowment and the Ministry of Federal Governance shall not extend to the Southern States. (d) Matters that fall within the scope of jurisdiction of the Ministries of Federal Governance and Guidance	

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Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
						and Endowment shall be in conformity with the provisions of the Protocols on the resolution of the Conflict in Southern Kordofan and Blue Nile States and the Protocol on the resolution of the Conflict in Abyei Area	
20. Matters in respect of which the President shall take decisions with the consent of the First Vice President according to the Protocols and Agreements	N/A	The President and the First Vice President	N/A	N/A	Khartoum	As per attached Appendix C	
21. Representativeness of the administration of the National Capital.	After establishment of the institution of the Presidency	The Presidency in consultation with the Governor of Khartoum State	GONU and the Government of Khartoum State	To be worked out by the Presidency in consultation with the Government of Khartoum State	Khartoum	Consultations by the parties to the CPA.	2.4.2

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
22. Representation of the people of Sudan in the law enforcement agencies in the National Capital and provision for their adequate training.	During the Pre-Interim Period	The Presidency and the Government of Khartoum State	GONU and Khartoum State	As shall be worked out by the Presidency and the Government of Khartoum State	Khartoum	As shall be worked out by the Presidency and the Government of Khartoum State	2.4.4
23. Appointment of a special commission to ensure that the rights of non-Muslims are protected in the National Capital	Upon the establishment of the institution of the Presidency	The Presidency	GONU	Size to be determined by the Presidency	Khartoum	By consultations and to be appointed by the Presidency In accordance with the INC and CPA	2.4.6
24. Establishment of mechanisms of guarantees of the rights of non-Muslims in the National Capital	After the enactment of the INC	Chief Justice and the National Minister of Justice and any other Institutions charged with the implementation of mechanisms and guarantees	GONU	N/A	Khartoum	In accordance with the provisions of the INC and CPA	2.4.7

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
25. Clustering of National Ministries.	Implementation modalities	The Parties	N/A	<ul style="list-style-type: none"> ▪ Sovereignty cluster; ▪ Economic cluster; ▪ Services cluster; 		Clusters as per Appendix D	2.5.3
26. Allocation of seats of the National Executive	Within 30 days after the adoption of INC	The presidency	N/A	To be allocated in each cluster according to the ratio 70%/30% North/South, 52% NCP (49% Northerner+ 3% Southerner); 28% SPLM (21% Southerner+ 7% Northerner); 14% Northern Political Forces; 6% Southern Political Forces.	N/A	By consultation with the parties to the Agreement and with other political forces.	2.5.5
27. Information Campaign in all languages to popularize the Peace Agreement and foster national unity, reconciliation and mutual understanding.	From the beginning of the Pre-interim till the end of the Interim Period.	Parties and all levels of government	Parties and all levels of government	The parties and the GONU	All over the Sudan	Media, seminars, conferences, workshops leaflets, political public rallies , meetings, etc	2.5.9

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
28. Establishment of the National Civil Service Commission (NCSC)							2.6.1.5 and 2.6.2
a) Enactment of the National Civil Service Commission Act	After adoption of the INC within the Pre-interim Period.	National Legislature	GONU	N/A	Khartoum	Routine legislative procedures	
b) Establishment of the NCSC	After the enactment of the NCSC Act	Presidency	GONU	To be determined by the Presidency in accordance with the provision of the Act.	Khartoum	Consultations	
29. Mechanism for operationalization of affirmative action	After establishment of the NCSC	NCSC	GONU	N/A	N/A	Applies to people of Southern Sudan, Nuba Mountains, Southern Blue Nile, Abyei and any other least developed areas in Sudan and any disadvantaged group.	2.6.1.5
30. Enactment of the National Security Act.	After the enactment of the INC	The National Legislature	GONU	N/A	Seat of National Legislature	Column 7 of item 6 in the Matrix applies	2.7.1.1.

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
31. Establishment of the National Security Council (NSC).	During the Pre-interim Period and After the enactment of the NS Act	The Presidency	GONU	To be determined by the law.	Khartoum	Consultations	
32. Establishment of the National Security Service (NSS)	During Pre-interim Period after adoption of NS Act	The Presidency	GONU	According to the law	Khartoum	Establishment of the National Security Organs in accordance with the provisions of the INC and the law	2.7.2.1
33. Establishment of Security Committees at the GOSS and the States level.	Upon adoption of the NS Act	The President of the GOSS and the Governors of the States	GOSS and the States	There shall be State Security Committee to be chaired by the Governor of the State. The Committee shall include, among others, the Military Commander of the area, his Deputy, the Director of the State Police and Director of the State National Security Branch.	GOSS level and States level	In accordance with the provision of the NS Act	2.7.2.5

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
34. Identification of the security organs of the two Parties and their assets.	During Pre-interim Period Before the establishment of the NSS	The Parties to the CPA	N/A	N/A	N/A	Consultations	2.7.2.8
35. Development and promotion of national languages							2.8.1
a. Enactment of a founding law	After the enactment of the INC	GONU	GONU	N/A	Seat of National Legislature	Routine Legislative Procedures	
b. Establishment of a council for development and promotion of national languages	After the enactment of the law	The President	GONU	According to the law	Khartoum	consultations	
36. Human Rights commission							
a. Enactment of the HRC Act	After the enactment of the INC.	The National Legislature	GONU	N/A	Khartoum.	Column 7 of item 6 in this Matrix applies.	2.10.1.2

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
b. Establishment of Human Rights Commission (HRC)	After the enactment of the HRC Act	The Presidency	GONU	To be agreed by the parties to the Agreement from competent figures (15 members).	Khartoum	Consultation in accordance with the INC and the law	
37. The Constitutional Court Act							
a. Enactment of the Constitutional Court Act	After enactment of the INC	The National Legislature	N/A	N/A	Khartoum	Column 7 of item 6 in this Matrix applies.	
b. establishment of the Constitutional Court	After the adoption of the INC within the Pre-interim Period.	The Presidency upon recommendation of the National Judicial Service Commission	GONU	9 competent non-partisan figures	Khartoum.	Consultations	2.11.2.1

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
38. The National Judicial Service Commission							
a. Enactment of the NJSC Act	After the enactment of INC	The National Legislature	N/A	N/A	Khartoum	Column 7 of Item 6 in this Matrix applies.	
b. Establishment of the National Judicial Service Commission (NJSC)	After the adoption of the INC within the Pre-Interim Period and enactment of NJSC Act	The Presidency	GONU	To be chaired by the Chief Justice and composed as follows: * Representative of Academia, the Dean Faculty of Law U of K; * Three deputies of the Chief Justice. * President of the Southern Sudan Supreme Court; * 2 representatives from National Sudanese Bar Association one from North and one from the South; * The Chairperson of the legal committee in the two Chambers; * The National Minister of Justice; * The National Minister	Khartoum	Consultations between the Parties in accordance with the INC and the law.	2.11.4.5

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
				of Finance; * The one in charge of legal affairs in GOSS; * The Chairman of legal Committee in southern Sudan Assembly.			
39. Southern Sudan representation in Constitutional Court, National Supreme Court and other national courts in the Capital.	For the Constitutional Court as mentioned above in the establishment of the Constitutional Court the rest throughout the Interim Period of the Agreement.	Presidency according to recommendation by NJSC	N/A	N/A	Khartoum	Consultation	2.11.4.6 (iii)

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
40. Submission and approval of the CPA to the National Assembly (NA) and National Liberation Council (NLC)	Within two weeks from the date of signature of the CPA	IGAD, NA and NLC	Parties to the CPA	N/A	Seat of NA and seat of the NLC	Submission by IGAD Secretariat for peace in Sudan	2.12.4.1
41. Establishment and composition of the National Constitutional Review Commission (NCRC).	Within two weeks from the date of signature.	The parties to the CPA	N/A	60 members allocated according to the Power Sharing Protocol (PSP) formula for the NA (each party must include civil society).	N/A	Consultation between the parties to the CPA. Decisions shall be taken by consensus, but whenever this is not possible a decision shall be passed by two-thirds majority	2.12.4.2 and 2.12.4.3
42. Preparation of the Constitutional Text by NCRC.	Within six weeks from the date of receipt of the text of the CPA	The NCRC	NCP, SPLM, other political forces, IGAD, and International Community	N/A	To be determined by the Parties	A technical committee of 7 from each party to the CPA to prepare a joint draft to be presented to NCRC.	2.12.5
43. Adoption of the Constitutional Text as INC.	Within two weeks from the date of receipt from NCRC	NA and SPLM NLC	N/A	N/A	Khartoum and Seat of NLC	Draft text will be presented by NCRC to NA and NLC for adoption	2.12.7

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
44. Preparation of other legal instruments as stipulated in 2.10 of PSP.	After the adoption of the INC within the Pre-interim Period.	NCRC	Parties to NCRC	N/A	N/A	To be drafted by NCRC.	2.12.9
45. Organization of an inclusive Constitutional Review Process (CRP)	During the Interim Period	NCRC	GONU	N/A	All over Sudan	Public rallies, workshops, seminars, meetings, media programs, etc	2.12.10
PART III							
46. Determination of North/ South border of 1/1/1956	Pre-interim period after the adoption of the INC	Presidency	GONU	Membership of the technical committee to be determined by the Presidency.	Seat of GONU and GOSS	The Presidency shall establish a Technical Ad hoc border Committee to demarcate precisely the 1/1/1956 North/ South borderline. This committee shall seek technical assistance from relevant expertise: both national and international.	3.1
47. a) Establishment of an inclusive Southern Sudan Constitutional Drafting Committee (SSCDC).	After enactment of the INC.	President of GOSS	N/A	40 members to be allocated according to the PSP formula for the Southern Sudan Assembly as per article 3.5.1 of the PSP	Seat of GOSS	Allocation to Southern Political Forces shall be agreed upon through consultations between SPLM and such Forces Decisions shall be taken by consensus, but whenever this is not possible a decision	3.2

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
b) Drafting and adoption of the text.	Within three weeks for drafting from the establishment of the SSCDC and within one week for adoption from the convening of TASS.	SSCDC and TASS	International Community for the SPLM	N/A	Seat of GOSS	shall be passed by two-thirds majority A technical Committee to be appointed by the GOSS to draft Southern Sudan Constitution for presentation to SSCDC.	
c) Determination of Compatibility of SSC with the INC	Within two weeks from the receipt of the SSC	National Ministry of Justice	GONU	N/A	Khartoum	Presentation, discussion and adoption of the draft text. TASS shall submit the SSC to the National Ministry of Justice within one week. After declaration of compatibility the President of GOSS shall sign the SSC.	2.12.12

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
48. Establishment of the First Southern Sudan Assembly (SSA).	Within two weeks from the adoption of the INC	The President of GOSS	GOSS	170 members to be allocated according to the PSP formula for the Southern Sudan Assembly.	Seat of GOSS	Broad Consultations between the parties to the CPA and other political forces (including Identification of other political forces.)	3.5.1
49. Election of the Speaker, Deputy Speaker and officers of TASS.	Upon the establishment of TASS	TASS	GOSS	N/A	Seat of GOSS	Consultations	3.5.6
50. Appointment of the Vice President of GOSS	After swearing in of the First Vice President and President of GOSS	President of GOSS	N/A	N/A	Seat of GOSS	Consultation within SPLM.	3.5.4
51. Establishment of the Council of Ministers of Government of Southern Sudan.	Within one week of signing Southern Sudan Constitution (SSC).	President of GOSS	GOSS	To be determined through consultations	Seat of GOSS	Consultations	3.6.1, 3.6.3 and 3.6.4, 3.6.4.3
52. Establishment of Judiciary of Southern Sudan	Within one week from the adoption of SSC.	President of GOSS	GOSS	N/A	Seat of GOSS	In accordance with the SSC, CPA and INC	3.7.1
53. Appointment of the President and Justices of Southern Sudan Supreme Court, Courts of Appeal	Within one week from the adoption of SSC	President of GOSS	N/A	To be determined by law.	N/A	Consultations	3.7.2, 3.7.5

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
and Judges of other Courts							
PART IV							
54. Appointment of state Governors	Upon adoption of the INC and in case of Southern Sudan upon adoption of SSC	The President of the Republic in consultation with the First Vice President. And in case of Southern Sudan the President of GOSS in consultation with Vice President of GOSS	N/A	N/A	N/A	According to the INC, CPA and in the case of Southern Sudan according to SSC	
55. Establishment of state legislatures	Within one week after appointment of the Governors.	State Governors	States	(a) Northern States: Except for Southern Kordofan State and Blue Nile States, between 30 and 48 members depending on consultations between the President of the Republic and the governors of those states. (b) Southern States: Between 30 to 48	State capitals	Allocation according to the PSP formula as per article 4.4.2 Allocation according to the PSP formula as per 4.4.2 and	4.4.2

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
				<p>members depending on consultations between the President of GOSS and Governors of those States.</p> <p>(c) Southern Kordofan State: 54 members representing the NCP and SPLM as agreed in the text on the Implementation Modalities of the Two Areas.</p> <p>d) Blue Nile State: Between 30 and 48 members depending on consultations between the Presidency and the Governor of Blue Nile State</p>		<p>allocation for political forces in Southern Sudan, other than the NCP, shall be agreed upon through consultations between the SPLM and such forces.</p> <p>Allocation of seats in the State Legislature as per the percentages agreed in article 11.1.1 of the "Protocol On The Resolution Of Conflict In southern Kordofan/Nuba Mountains And Blue Nile States"</p> <p>Allocation of seats in the State Legislature as per the percentages agreed in article 11.1.1 of the "Protocol On The Resolution Of Conflict in Southern Kordofan/Nuba Mountains And Blue Nile States".</p>	
56. Establishment of Abyei Area Council	Within one week after the appointment of the Chief Administrator	The Presidency	Abyei Area Administration	20 members to constitute Abyei Area Council as agreed in article 4.1 of the "Protocol On The Resolution Of Abyei Conflict"		Members of Abyei Area Council to be appointed by the Presidency	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
57. Mechanism for selection of 20% of other political forces in the Northern and Southern States	Before the establishment of the state Assemblies.	NCP in the North and SPLM in the Southern Sudan	N/A	N/A	N/A	Broad Consultations between the parties to the CPA and other political forces (including identification of other political forces.)	4.4.2.2 (iii)
58. a) Drafting and adoption of the State constitutions	Within three weeks from the establishment of the state legislature in Northern states and in case of states of Southern Sudan the adoption shall be within 4 weeks after signing of SSC.	State legislature	States	N/A	seat of state governments	According to INC in case of Northern States and in case of states in Southern Sudan according to INC and SSC. Model state constitution to be drafted by NCRC in accordance with the provisions of INC in case of Northern States and in case of states in Southern Sudan according to INC and SSC.	4.4.4
b) Determination of the Compatibility of the State constitutions with INC, and in case of states in Southern Sudan according to INC and SSC.	Within two weeks from the receipt of the State constitution.	National Ministry of Justice	N/A	N/A	Khartoum	Issuing certificate of compatibility.	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
59. Establishment of state Council of Ministers	Within one week after signing the constitution of the State	State Governors	1. States 2. Prior to the establishment of the GOSS and state governments according to their respective constitutions, the institutions of the Southern Sudan shall be financed from the transfers allocated to the South in Pre-interim period as WS agreement	Except for Southern Kordofan State, Between 5 to 8 ministries, one of whom shall be appointed a deputy governor; the numbers are Subject to review. In the case of Southern Kordofan State, the State Council of Ministers shall consist of 11 members including the State Governor and his/her deputy	Seat of state governments	According to the state constitutions	4.5.1 4.5.3



Appendix A

(i) FUNCTIONS OF THE FIRST VICE PRESIDENT

1. Acts in the absence of the President
2. Member of the Council of Ministers
3. Member of the National Security Council
4. Member of the Presidential Council in the Pre-election Period and Chairman of the Council in the Post Election Period in the event of the post of President falling vacant

(ii) FUNCTIONS OF THE VICE PRESIDENT

1. Acts in the absence of the President and the First Vice President
2. Member of the Council of Ministers
3. Member of the Presidential Council and Commander-in-Chief of SAF in case of a vacancy in the post of the President in the Pre and Post Election Periods
4. Member of the National Security Council
5. Any other functions and duties that may be assigned to him by the President taking into account the hierarchy of the Presidency.

Appendix B 1:

Appointments that the President is required to make with the consent of the 1st VP

1. Establishment of a Special Commission to ensure that the rights of non Muslims are protected in the National Capital (2.4.6 of the PSP).
2. Establishment of impartial and representative National Electoral Commission (2.10.1.1. of PSP).
3. Establishment of Human Rights Commission (2.10.1.2 of PSP).
4. Establishment of the National Judicial Service Commission (2.10.1.3 of PSP).
5. Establishment of a National Civil Service Commission (2.6.2 and 2.10.1.4 of PSP).
6. Establishment of Ad-Hoc Commission to monitor and ensure accuracy, legitimacy and transparency of the Referendum (2.10.1.5 of PSP and 2.5 of MP).
7. Establishment of Fiscal and Financial Allocation and Monitoring Commission (2.10.1.6 of PSP).
8. Appointment of the President of the Constitutional Court (2.11.3.2 (i) of PSP).
9. Appointment of Judges other than Justices of the Constitutional Court ((2.11.4.4 of PSP).
10. Appointment of Justices of the Constitutional Court ((2.11.4.6 (i) of PSP).
11. Appointment of Justices of the National Supreme Court (2.11.4.6 (ii) of PSP).
12. Establishment and appointment of the National Constitutional Review Commission (2.12.4 of PSP and 3.1.2 of MP).
13. Establishment of the Joint Defence Board (5.1 of SAP).
14. Appointment of Chairperson of the National Land Commission (2.6.10 of WSP).
15. Establishment of the National Petroleum Commission (3.2 of WSP).
16. Establishment and appointment of the Chairperson of FFAMC (8.4 of WSP).

17. Establishment of and appointment to the National Audit Chambers (12.2 of WSP).
18. Appointment of the Governor of CBOS and his/her two Deputies (14.7 of WSP).
19. Appointment of the Board Directors of the CBOS responsible and accountable to the Presidency (14.8 of WSP).
20. Establishment of an independent Commission to assess and evaluate the implementation of the Peace Agreement in the States of Southern Kordofan and Blue Nile (3.4 of SK and BNP).
21. Appointment of Abyei Areas Executive Council (1.2.2 and 2.2 of AP).
22. Appointment of Abyei Area Chief Administrator and his/her Deputy (2.4 of AP).
23. Appointment of the members of Abyei Area Council (4.2 of AP).
24. Establishment of Abyei Boundaries Commission (5.1 of AP).
25. Establishment of Abyei Referendum Commission (8.1 of AP).
26. Establishment of any other Commission or as may be agreed upon by the Parties (2.10.1.7 of PSP).
27. Establishment of an independent assessment and evaluation Commission (2.4 of MP).
28. Any other appointments that may be agreed by the Parties.

Appendix B 2:

The following appointments shall be made through consultations within the Presidency.

1. Appointment of the Governors of the States of SK and BN.
2. Appointment of Constitutional Post holders in the Government of National Unity (Ministers and State Ministers).

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Appendix C 1:

Matters in respect of which the President shall take decisions with the consent of the 1st VP according to the Protocols and Agreements

1. Declaration and termination of state of emergency (2.3.6.1 of PSP).
2. Declaration of War (2.3.6.2 of PSP).
3. Summoning, adjourning or proroguing of the National Legislature (2.3.6.4 of PSP).
4. Determination of SAF troop levels in SK and BN States during the Interim Period (10.1 of SK and BNP).

Appendix C 2:

Matters to be decided upon by the Presidency:

1. Determination of the Executive, Legislative and Financial powers and competencies of Abyei Area (2.6 of AP).
2. Application to the Judiciary for establishment of Courts for Abyei Area as deemed appropriate (2.7 of AP).
3. Approval of Abyei Area Special Account (3.5 of AP).
4. Putting the Special Administrative status of Abyei Area into effect (5.3 of AP).
5. Determination of representation of Citizens of Abyei Area in an appropriate State in Bahr El Ghazal and in Southern Kordofan State (6.2 of AP).
6. Approval of the budget of the National Land Commission (2.6.12 WSA).

Appendix D:

CLUSTERS OF NATIONAL MINISTRIES

	MINISTRIES OF SOVEREIGNTY	MINISTRIES OF THE ECONOMIC SECTOR	MINISTRIES OF THE SERVICES SECTOR
1.	Ministry of Presidency	Ministry of Finance and National Economy	Ministry of Health
2.	Ministry of Council of Ministers HQs	Ministry of Energy and Mining	Ministry of Humanitarian Affairs
3.	Ministry of Foreign Affairs	Ministry of Irrigation and Water Resources	Ministry of Labour, Public Service and Human Resources Development
4.	Ministry of Interior	Ministry of Agriculture and Forestry	Ministry of Environment and Urban Development (Physical Planning)
5.	Ministry of Justice	Ministry of Industry	Ministry of Education
6.	Ministry of Information and Telecommunications	Ministry of External Commerce	Ministry of Higher Education
7.	Ministry of Parliamentary Affairs	Ministry of Investment	Ministry of Culture, Youth and Sports
8.	Ministry of Defence	Ministry of wildlife Conservation and Tourism	Ministry of Science and Technology
9.	Ministry of Federal Governance	Ministry of Animal Resources and Fisheries	Ministry of Social Welfare, Gender and Child Affairs
10.		Ministry of Transportation, Roads and Bridges	Ministry of Guidance and Endowment
11.		Ministry of International Co-operation	

**THE IMPLEMENTATION MODALITIES
OF THE FRAMEWORK AGREEMENT
ON WEALTH SHARING**

SIGNED AT NAIVASHA, KENYA, 31ST DECEMBER, 2004

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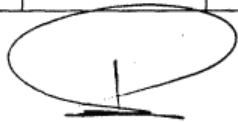
The Implementation Modalities of the Wealth Sharing Agreement
31st December/2004

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
A. Land Ownership 1. Institute a process to develop and amend the relevant laws to incorporate customary laws and practices.	During the Pre-interim Period after establishment of land commissions at all levels.	<ul style="list-style-type: none"> Land Commissions Executive Bodies at all levels Legislature at all levels 	<ul style="list-style-type: none"> NG GOSS States International Community 	Location: Seats of land commissions, legislative and executive bodies	<ul style="list-style-type: none"> Land commissions to initiate the process and make recommendations to appropriate executive levels (NG, GOSS and States). Ministry of Justice (NG, GOSS) to facilitate and support the process Executive Bodies at all levels to approve and propose necessary bills to appropriate legislative bodies (NG, GOSS and States) to promulgate amended laws within their respective powers. 	2.5
2. Establish National Land Commission	After approval of Interim National Constitution	<ul style="list-style-type: none"> National Government and Presidency 	<ul style="list-style-type: none"> National Government Donors and International community 	<ul style="list-style-type: none"> By the relevant legislation as per subsection 2.6.10 of WSA. Location: Khartoum 	<ul style="list-style-type: none"> The process to be initiated by the Presidency with facilitation and support from Ministry of Justice National Land Commission Act 	2.6

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
3. Establish Southern Sudan Land Commission	After establishment of GOSS	<ul style="list-style-type: none"> President of GOSS 	<ul style="list-style-type: none"> GOSS Donors and International Community 	<ul style="list-style-type: none"> By legislature of Southern Sudan as per sub-section 2.7.10 of WSA. Location: The Seat of GOSS 	<ul style="list-style-type: none"> Members recommended by GOSS and States IGAD, IPF and World Bank/UNDP Chaired by GOSS appointee Decision by consensus 	2.7
B. Oil Resources						
1. Consultation and participation of communities in the management of natural resources	Pre-Interim Period	<ul style="list-style-type: none"> GOS GOSS States NPC 	<ul style="list-style-type: none"> NG GOSS 	<ul style="list-style-type: none"> Joint Technical committee of equal members from GONU, GOSS and producing States 	<ul style="list-style-type: none"> Create awareness on basic rights and process of participation and consultation as per the CPA. 	3.1.2, 3.1.5, 3.1.6, 3.1.7

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
2. Establish National Petroleum Commission (NPC)	Two weeks after the adoption of the Interim National Constitution and consequent formation of GONU and GOSS.	<ul style="list-style-type: none"> • Presidency 	<ul style="list-style-type: none"> • National Government 	<ul style="list-style-type: none"> • As provided in subsection 3.3 of WSA • Location: Khartoum 	<ul style="list-style-type: none"> • To review current relevant legislation in oil sector so as to bring it in line and to comply with the CPA 	3.2
C. Existing Oil Contracts						
1. SPLM appoint a technical team, to have access to existing oil contracts	D Day + 30 Days	<ul style="list-style-type: none"> • SPLM • Ministry of Energy and Mining 	<ul style="list-style-type: none"> • SPLM • International community 	<ul style="list-style-type: none"> • Technical Team of 6 members to be appointed by the SPLM • Technical Experts • Location: The Seat of SPLM and contracts to be accessed in Khartoum 	<ul style="list-style-type: none"> • Decision by consensus • Reporting to GOSS within D Day +60 Days • Develop its internal regulations and procedures • Chaired by SPLM appointee • Sign confidentiality agreement as pre-condition as provided in subsection 4.1 of WSA. 	4.1

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
2. Assess contracts with social and environmental problems	During Pre-interim period and after the recommendation of the Technical Team as provided in subsection 4.1 of WSA.	<ul style="list-style-type: none"> Joint Technical committee (GOSS and National Government) to be appointed by National Petroleum Commission (NPC) 	<ul style="list-style-type: none"> National Government 	<ul style="list-style-type: none"> Technical committee of equal members (National Government, GOSS and affected States) Location: Khartoum 	<ul style="list-style-type: none"> The committee to set its own rules and regulation. Co-chaired by GONU and GOSS May seek technical assistance Decision by consensus Reporting to the NPC after its formation in D Day + 9 Months with actions taken within 60 days after the report. 	4.3
3. Remedy of persons whose rights have been violated by oil contracts	Upon signing the CPA	<ul style="list-style-type: none"> Affected persons 			<ul style="list-style-type: none"> Legal process as provided in subsection 4.5 of WSA. 	4.5
D. Sharing of Oil Revenue						
1. Define "net revenue from oil".	During Implementation Modalities	<ul style="list-style-type: none"> The GOS and SPLM Delegation to the implementation Modalities on WSA 		<ul style="list-style-type: none"> The GOS and SPLM Delegation to the implementation Modalities on WSA. 	<ul style="list-style-type: none"> Agreed Text on the definition and calculation of the net oil revenue attached as an appendix to the Implementation Modalities of WSA. 	5.3

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
2. Establish a system to monitor daily production of oil in all Sudan	Upon signing of CPA and within 60 Days	<ul style="list-style-type: none"> GOS SPLM 	<ul style="list-style-type: none"> GOS International community 	<ul style="list-style-type: none"> Joint Technical Committee composed of equal members from GOS and SPLM. 	<ul style="list-style-type: none"> The committee to review the existing monitoring system with a view of improving it and make necessary recommendations to NPC. 	5.3
3. Reveal to the SPLM production sharing formula between GOS and oil concessions	Upon signing of CPA and within 60 Days	<ul style="list-style-type: none"> GOS 		<ul style="list-style-type: none"> GOS 	<ul style="list-style-type: none"> GOS will reveal this information to the SPLM Technical Team after signing confidentiality agreement 	5.3
4.a Agree on a mechanism to monitor Oil Revenue Stabilization Account (ORSA).	Upon signing of CPA and within 60 Days	<ul style="list-style-type: none"> Joint Technical Committee 		<ul style="list-style-type: none"> Equal members from GOS and SPLM/GOSS 	<ul style="list-style-type: none"> To determine implementation of the mechanism to monitor ORSA Agree on coverage period of accumulated amount. Agree on method of having access and withdrawal by National Government and GOSS to the ORSA. Negotiations Building consensus 	5.4

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
4.b Agree on the benchmark price for 2005.	Upon signing of CPA and within the IMF quarterly review	<ul style="list-style-type: none"> Joint Technical Team from GOS and SPLM 		<ul style="list-style-type: none"> Equal Members from GOS and SPLM. 	<ul style="list-style-type: none"> Co-chaired Building Consensus Approach and discuss with the IMF the agreed benchmark price through the GONU. 	
4.c Agree on the annual benchmark price.	Annually within the budget process	<ul style="list-style-type: none"> NG GOSS CBOS 		<ul style="list-style-type: none"> National Ministry of Finance GOSS Ministry of Finance CBOS 	<ul style="list-style-type: none"> GOSS to fully participate in the determination of the benchmark price. NG and GOSS to build a consensus on a benchmark price before discussion with the IMF. Benchmark to be determined within the national macroeconomic framework. After building consensus on the benchmark price with GOSS, NG with representation of GOSS to negotiate with IMF the final benchmark price. 	

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
5. Establish a system to calculate and monitor net oil revenue.	Upon signing of CPA and within 30 Days	<ul style="list-style-type: none"> • GOS • SPLM 	<ul style="list-style-type: none"> • GOS • International community 	<ul style="list-style-type: none"> • Joint Technical Committee composed of equal members from GOS and SPLM. 	<ul style="list-style-type: none"> • The committee to review the existing monitoring system with a view of improving it and make necessary recommendations to NPC. 	5.3

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
6. Transfer of (2%) of producing State share of net oil revenue.	D Day	<ul style="list-style-type: none"> • National Ministry of Finance for Oil Producing States in the North • Ministry of Finance of GOSS for Southern Sudan Oil Producing States 	-	-	<ul style="list-style-type: none"> • Transfer to start after establishing governments of the States. • Money to be transferred monthly according to actual receipt of revenue. • MOF (NG and GOSS) will transfer to States through their designated accounts. • Ministries of Finance of Producing States in the South shall open accounts in the BOSS in which MOF of GOSS shall transfer 2% of oil revenue. 	5.5

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
7. Transfer of the GOSS share of 50% of net oil revenue.	D Day	<ul style="list-style-type: none"> Oil Revenue Allocation Committee composed of representatives of: MOF (NG, SPLM/GOSS), NPC, CBOS, BOSS and relevant States. 	<ul style="list-style-type: none"> NPC 	Location: National MOF, Khartoum	<ul style="list-style-type: none"> The Committee to calculate the actual share of each Party in accordance with CPA and to ensure the transfer of these shares. GOSS prepares its Foreign Exchange budget requirements within the overall approved budget of GOSS. This budget shall be incorporated in CBOS Foreign Exchange budget. Foreign Exchange of GOSS is considered part of the National Reserve. GOSS shall use its share of this National Reserve to meet its Foreign Exchange requirements. All domestic operations and transactions of GOSS shall be in the national currency and any other circulating currencies in Southern Sudan until a new currency is issued as per sub-section 14.9 of WSA provided that GOSS foreign exchange transactions should only be conducted through BOSS. 	5.6

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
					<ul style="list-style-type: none"> • CBOS shall authorize BOSS to open foreign correspondent account in a prime bank of the latter's choice in favour of GOSS. This authorization shall include instruction to the foreign correspondent to provide the CBOS with a copy of the statement of the weekly position of this account. • GOSS all foreign exchange resources shall be deposited in this foreign correspondent account as mentioned above. • BOSS shall manage this account on the basis of the best banking practices in favour of GOSS and disburse it in a way to ensure macro-economic stability and national monetary policy objectives and requirements. • BOSS shall provide CBOS with relevant data as per sub-section 14.4 of Wealth Sharing Agreement. 	

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
8. Establish Future Generation Fund.	Upon reaching a ceiling of 2 million barrels a day production	<ul style="list-style-type: none"> • Joint Technical Team (GOS and GOSS) 	<ul style="list-style-type: none"> • National Government • GOSS 	<ul style="list-style-type: none"> • Equal members from NG and GOSS 	<ul style="list-style-type: none"> • Joint Team to be appointed by the Presidency • Decision by consensus • Establish internal regulations and procedures • Co-chairing between the GOSS and NG • Report regularly to Presidency. 	5.7

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
E. Sharing of Non-oil Revenue 1. Collection of non-oil revenue by GOSS and states.	After establishment of GOSS and governments of States	<ul style="list-style-type: none"> • Ministry of Finance of GOSS • Ministry of Finance of States 	<ul style="list-style-type: none"> • GOSS • States 		<ul style="list-style-type: none"> • GOSS and States to start collecting revenue as spelled out in the WSA in sub-sections 6.2 and 6.3. • Amending national taxation laws within 60 days after signing of CPA to conform to the WSA. 	6.2, 6.3

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
F. Equalization & Allocation of Nationally collected Revenues						
1. Establishment of National Revenue Fund (NRF)	D Day +1	<ul style="list-style-type: none"> National Ministry of Finance 			Account to be in CBOS administered by Ministry of Finance for all revenues collected by the NG including net oil revenue due to GONU.	7.1

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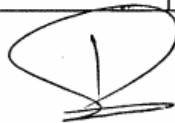
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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
2. Agree on mechanisms to transfer to GOSS 50% of national non-oil revenues collected in Southern Sudan.	After establishment of GOSS	<ul style="list-style-type: none"> National Ministry of Finance Fiscal and Financial Allocation and Monitoring Commission (FFAMC) 	GONU	<ul style="list-style-type: none"> As provided in subsection 7.3 and 8.3 WSA. 	<ul style="list-style-type: none"> The National Ministry of Finance will open an account in BOSS and instruct national bodies in charge of collecting national non-oil revenues, taking into consideration cost effectiveness, to collect national non-oil revenues in the South and to be deposited in the designated account, after deducting collection charges. The National Ministry of finance shall instruct BOSS to transfer 50% of revenues deposited in the above account to Ministry of Finance of GOSS, and the remaining 50% to be transferred to the National Revenue Fund. Account of the national non-oil revenues collected in the South will be submitted to FFAMC on quarterly basis. 	7.3

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
3. Review of allocation of 50% of national non-oil revenue collected in Southern Sudan to GOSS.	Mid-term Interim Period	<ul style="list-style-type: none"> Joint Technical Committee (National Ministry of Finance and Ministry of Finance of GOSS) 	<ul style="list-style-type: none"> National Government 	Equal Members (GOSS and GONU)	<ul style="list-style-type: none"> Disagreement to be resolved by FFAMC FFAMC to initiate the process. Co-Chair between GONU and GOSS Decision by consensus Set its own regulations and procedures Report back to the FFAMC within one month after its establishment Seek relevant international assistance. 	7.3

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
4. Agree on an approach to appeal for donor funds for the reconstruction of South Sudan.	Immediately before the signing of CPA	<ul style="list-style-type: none"> Joint Assessment Mission (JAM) Core Coordinating Group (CCG) 	<ul style="list-style-type: none"> National Government International community 	<ul style="list-style-type: none"> JAM CCG 	<ul style="list-style-type: none"> JAM Core Coordination Group to initiate appeal strategy programme 	7.4

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
G. Fiscal and Financial Allocation and Monitoring Commission (FFAMC)						
1. Establish FFAMC	Pre-Interim Period after National Constitution Review Commission (NCRC) report approved as per sub-section 2.10.1.6 and 2.12.9 of Power Sharing Protocol	<ul style="list-style-type: none"> National Government, GOSS and States Presidency to appoint the Chairperson 	<ul style="list-style-type: none"> National Government International community 	<ul style="list-style-type: none"> As provided in sub-section 8.3 of WSA Location: Khartoum 	<ul style="list-style-type: none"> As provided in sub-section 8.4 and 8.5 of the Wealth Sharing Agreement 	8.1



Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
2. Establish formulae for allocating resources to war affected areas	Pre-interim period after establishing FFAMC	<ul style="list-style-type: none"> • FFAMC 	<ul style="list-style-type: none"> • GONU • International community 	FFAMC and may establish technical committee if necessary	<ul style="list-style-type: none"> • Formulae to be determined by FFAMC after receiving technical assistance report as per sub-section 8.10 of the Two Areas Protocol. 	8.2.3

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
H. Division of Government Assets 1. Establish a joint technical committee to assess and allocate assets between various levels of government	After establishment of GONU and GOSS and when disputes arise	<ul style="list-style-type: none"> Joint Technical Committees for each level of government 		As provided in sub-section 11.1 of WSA	<ul style="list-style-type: none"> Assets to be divided according to the function of each level of government as in schedules of powers A, B and C In case of conflict joint technical committees will be formed from each party involved in the dispute and mutually agreed expert Committees should observe schedules A, B, C, D, E and F of powers Decision by consensus Set its own regulations and procedures 	11.1

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
I. Accounting Standards						
1. Establish National and Southern Sudan Audit Chambers	Immediately after establishment of GONU and GOSS	<ul style="list-style-type: none"> • Presidency • National Assembly • GOSS 	<ul style="list-style-type: none"> • National Government • GOSS 	As provided in sub-section 12.2 of WSA	<ul style="list-style-type: none"> • As provided in sub-section 12.2 of WSA. • Until establishment of audit chambers, status quo will continue. 	12.2
K. Financing the transition						
1. National Government assists the SPLM/A in the establishment of the new transitional governments at GOSS and State levels	After signing of the CPA	<ul style="list-style-type: none"> • National Government • Joint National Transition Team (JNTT) 	<ul style="list-style-type: none"> • International community 		<ul style="list-style-type: none"> • National Government will provide technical assistance to the extent possible. • SPLM prepares financial basic urgent needs for the Pre-Interim Period. • The estimated amount of the urgent needs to be presented to the International Community for funding. 	13.1

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
2. Establish a Joint National Transition Team (JNTT)	Upon signature of CPA	<ul style="list-style-type: none"> • GOS (President of the Sudan) • SPLM Chairman 	<ul style="list-style-type: none"> • GOS • International Community 	<ul style="list-style-type: none"> • Equal members from GOS and SPLM • Location: To be agreed upon by the Parties 	<ul style="list-style-type: none"> • JAM -CCG non-Sudanese members to be observers • Co-chaired by GOS and SPLM. • Free access to all places in Sudan for data collection • Reporting to the leadership of the two Parties • May seek relevant technical assistance • Decision by consensus • Set its own regulations and procedures 	13.2

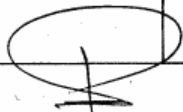
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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
L. Banking & Currency						
1. Enact/modify legislations to set up a dual banking system	Immediately upon signing CPA and within 90 Days	<ul style="list-style-type: none"> National Legislature 	<ul style="list-style-type: none"> CBOS 	<ul style="list-style-type: none"> Technical team of equal numbers from National Government (CBOS) and GOSS. 	<ul style="list-style-type: none"> CBOS to initiate the process Recommend amendments in all relevant laws to comply with the CPA. Chair to be agreed upon by GONU (CBOS) and GOSS. Technical team Appointed by the Presidency. Decision by consensus Set its own regulations and procedures. 	14.1
2. Appoint Board of Directors (BOD) of Central Bank of Sudan (CBOS)	Immediately within one week after ratification of CBOS Act	<ul style="list-style-type: none"> Presidency 	<ul style="list-style-type: none"> CBOS 	As provided in sub-section 14.8b of WSA.	<ul style="list-style-type: none"> According to provision 14.8 of the Wealth Sharing Agreement Decisions on matters that may affect adversely the interest of either Party to WSA shall be by consensus 	14.8

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
3. Restructure CBOS	Within 30 days after appointment of BOD	<ul style="list-style-type: none"> • CBOS BOD 	<ul style="list-style-type: none"> • CBOS 	<ul style="list-style-type: none"> • CBOS BOD 	<ul style="list-style-type: none"> • Restructuring CBOS banking system, general administration and departments and their functions to comply with the CPA. 	14.3
4. Establish Bank of South Sudan (BOSS)	Within 30 days after appointment of BOD	<ul style="list-style-type: none"> • CBOS BOD 	<ul style="list-style-type: none"> • CBOS • International community 	<ul style="list-style-type: none"> • Location: Seat of GOSS 	<ul style="list-style-type: none"> • BOSS shall perform all activities stated in WSA to manage conventional banking in South Sudan. • BOSS shall manage these activities as a window of CBOS and in accordance with CBOS policies, rules and regulations as per WSA. • In performing these activities, the Deputy Governor of CBOS who is heading BOSS shall be accountable to the Governor of CBOS. 	14.2, 14.10
5.a Establish a joint committee to design national currency.	Immediately upon signing of CPA.	<ul style="list-style-type: none"> • Joint Technical Committee from (GOS and SPLM) 	<ul style="list-style-type: none"> • Donors 	<ul style="list-style-type: none"> • Technical Team of equal members (GOS and SPLM) 	<ul style="list-style-type: none"> • Co-chaired by GOS and SPLM • Decision by consensus • Reporting within 60 Days 	14.9

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
5.b. Assess circulating currencies in South Sudan	Within 30 days after signing the CPA.	<ul style="list-style-type: none"> Joint Technical Committee (GOS, SPLM) 	<ul style="list-style-type: none"> GOS Donors 	<ul style="list-style-type: none"> Equal members (GOS, SPLM) and technical experts to be agreed upon 	<ul style="list-style-type: none"> Co-chaired by GOS and SPLM Decision by consensus Reporting within 60 Days to CBOS 	
5.c Issuing new currency	After designing and assessing currencies circulating in South Sudan.	<ul style="list-style-type: none"> CBOS 	<ul style="list-style-type: none"> International community NG 		<ul style="list-style-type: none"> Printing will start within one month after designing, plating and engraving and will finish within 18 months. CBOS will create awareness about the new currency CBOS and BOSS to agree on preparation and arrangement for replacement of the circulating currencies in South Sudan. Priority will be given to meet currency demand and replacement of the circulating currencies in South Sudan. 	

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
M. Borrowing 1. Enacting borrowing standards and requirements by CBOS	After amendment of CBOS Act to comply with the CAP and after establishment of GOSS and States.	<ul style="list-style-type: none"> • CBOS BOD 	<ul style="list-style-type: none"> • CBOS 	<ul style="list-style-type: none"> • CBOS BOD and technical experts if needed 	<ul style="list-style-type: none"> • To be determined by CBOS BOD • Reporting within 30 Days after the appointment of the CBOS BOD 	6.2.13,14.1, 14.15, 14.16

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
N. Reconstruction & Development Funds						
1. Establish South Sudan Reconstruction and Development Fund (SSRDF)	After establishment of GOSS	<ul style="list-style-type: none"> SPLM Economic Commission/ GOSS 	<ul style="list-style-type: none"> GOSS Revenues Direct bilateral Grants Low Income Countries Under Stress (LICUS). 	<ul style="list-style-type: none"> Steering Committee appointed by President of GOSS and including Ministry of Finance of GOSS, South Sudan Audit Chamber, all Southern States, representative of donors, representative of national MOF and National Audit Chamber as provided in sub-section 15.3. of WSA. 	<ul style="list-style-type: none"> The procedures related to SSRDF shall be similar to the procedures provided in activity D.7 of transfer of 50% of net oil revenues to GOSS. SPLM to establish a committee to initiate the process of establishing SSRDF 	15.1

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
2. Establish monitoring and evaluation system for accountability and transparency	Pre-interim Period	<ul style="list-style-type: none"> • GOSS • Project Implementation Authority 	<ul style="list-style-type: none"> • LICUS • International community and donors 	<ul style="list-style-type: none"> • Oversight committee appointed by the SPLM Chairman or President of GOSS 	<ul style="list-style-type: none"> • Oversight committee appointed by GOSS as per sub-section 15.3 of WSA to establish accountability and transparency monitoring and evaluation system 	15.2
3. Establish an oversight committee for SSRDF	Pre-interim Period and after the establishment of SSRDF	<ul style="list-style-type: none"> • GOSS 	<ul style="list-style-type: none"> • GOSS • SSMDTF • Donors 	<ul style="list-style-type: none"> • Ministry of Finance of (National (1), GOSS (2) and Southern States (10)) • Southern Sudan Audit Chamber (1) and National Audit Chamber (1) • International community (1) 	<ul style="list-style-type: none"> • Chaired by Ministry of Finance of GOSS • Internal and decision making procedures to be established by the Committee after its establishment. 	15.3

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
4. Establish National Reconstruction and Development Fund (NRDF)	Pre-interim Period	<ul style="list-style-type: none"> Ministry of Finance JNTT 	<ul style="list-style-type: none"> GOS Donors NMDTF 	<ul style="list-style-type: none"> Technical steering committee composed of Ministry of Finance (National and GOSS), Ministry of International Corporation, Audit Chambers (National and GOSS), representatives of war-affected States and least developed States in the North, one representative of international community if agreed upon by the technical steering committee 	<ul style="list-style-type: none"> Annual resource envelope to be determined within the budget. Priority projects can be submitted to NMDTF. Chaired by National Ministry of Finance Allocation as spelled in 8.6 and 8.7 of the Two States Protocol. May seek technical assistance when necessary 	15.4

Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
5. Establishment of two multi-donor trust funds (MDTFs) – one for Southern Sudan and other national.	Pre-Interim Period before the donors conference	<ul style="list-style-type: none"> National MDTF (National Government and World Bank) South Sudan MDTF (SPLM/GOSS and World Bank) 	<ul style="list-style-type: none"> International community 	<p><u>National MDTF</u></p> <ul style="list-style-type: none"> Management consists of: <ol style="list-style-type: none"> MDTF Donors Group for coordination, consultation and mobilization Oversight Committee (NG and Donors), and observer from GOSS/SPLM Technical Secretariat (WB Administrator, NG designated body) Programme Implementation Agency : NG 	<ul style="list-style-type: none"> Governance including fiduciary to be set by World Bank and National Government for NMDTF and SPLM/GOSS for SSMDTF in consultation with International Community and stakeholders. NG to determine projects to be implemented by UN agencies, NGOs, local governments, communities, National Government agencies, private sector and others in the North. SPLM/GOSS to determine projects to be implemented by UN agencies, NGOs, local governments, communities, SPLM/GOSS agencies, private sector and others in the South. 	15.5

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
				<p><u>South Sudan MDTF:</u></p> <ul style="list-style-type: none"> • Management consists of: <ol style="list-style-type: none"> 1. MDTF Donors Group. 2. Oversight Committee (SPLM/GOSS, Donors) and observer from NG. 3. Technical Secretariat (WB Administrator, SPLM/GOSS designated bodies) • Programme Implementation Agency: SPLM/GOSS 	<ul style="list-style-type: none"> • UN Agencies to be allowed to operate within their rules and regulations with special arrangement on external audit to be agreed between the World Bank and UN. • Earmarking will not be allowed but sectoral preference can be expressed. • Project Implementation Agency to assign and oversee project implementation by a variety of entities 	

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
6. Set criteria for eligible financing from MDTFs.	Pre-interim Period before the donors conference	<ul style="list-style-type: none"> • To be determined by MDTF systems. 	<ul style="list-style-type: none"> • Donors 		<ul style="list-style-type: none"> • To be determined by MDTF systems in accordance with the findings of the JAM. • Priorities will include: <ol style="list-style-type: none"> 1. Programmes submitted to MDTFs are part of annual budget and determined by NG and SPLM/GOSS in consultation with MDTF Steering Committees respectively. 2. Rehabilitation and reconstruction in war affected areas 3. Rehabilitation and reconstruction in least developed areas 	15.7

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Activities	Timing	Executing Body	Funding Sources	Composition and Location	Procedures, Process or Criteria	Clause in the Agreement
					<ul style="list-style-type: none"> 4. Priorities of Poverty Eradication Strategy Concept Note. 5. Capacity Building and decentralization 6. Peace Building and security (DDR, IDPS, ..etc). 	
7. Establishment of special accounts in a commercial bank in Southern Sudan for GOSS	Pre-interim Period	<ul style="list-style-type: none"> • Ministry of Finance of GOSS 			<ul style="list-style-type: none"> • As provided in sub-section 15.11 of WSA 	15.11

Appendix
Implementation Modalities of Wealth Sharing Agreement
Definition and Calculation of Net Oil Revenue

1. General Definitions:

(a) **Cost Oil:** It is a percentage from the daily production to cover the production cost (exploration, development and operating cost). Exploration and development costs are classified as capital cost amortized within four years. The operating cost is paid annually. If the cost oil is greater than the recoverable cost (actual cost) the difference (Excess Oil) will be added to the government share. If recoverable cost is greater than the cost oil then the difference shall be carried over for the next year. However the Division of Excess Oil between the Government and Contractors is subject to the variables of each agreement.

(b) **Profit Oil:** It is the remaining balance from the daily production after deducting the cost oil.

(c) **Government Share:** It is the percentage share of the government from the profit oil after deducting the contractor's share that is subject to contract agreements. It increases with the increase in production.

(d) **Government Entitlement:** It consists, at Intake Point, of (Government Share plus excess oil plus under lifting less over lifting). Part of the Government Entitlement is either used for local refineries or for export.

(e) **Intake Point:** is the injection point between the pipeline network operated by contractor under the Agreement and the transportation system operated by or under the control of the transporter.

2. Calculation of Government Net Oil Revenue:

Government Entitlement x Export price³
Less Tariff (transport/pipeline fee)
Less Management fee
Equal Government net oil revenue

3. Calculation of Oil Revenue Stabilization Fund:

Government Net Oil Revenue from export
Less Actual Export Quantities x benchmark price
Equal Total Oil Revenue Stabilization Fund

4. Government Net Oil Revenue Available for Allocation:

Government net oil revenue

³ Export shall be valued at the actual Free On Board (FOB) export price and oil delivered to the refineries shall be valued at the average FOB export price of the last calendar month.

Less oil revenue stabilization fund

Equal Total government net oil revenue available for allocation

5. Producing States Share of Net Oil Revenue:

Two Percent (2%) Percent of the total government net oil revenue available for allocation as per WSA.

6. GOSS Share:

Fifty Percent(50%) Percent of (percentage of the oil produced in the South from the total production multiply by net oil revenue available for allocation after deducting States share)

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