

The Darfur Conflict and Sudan's Comprehensive Peace Agreement

Is the CPA Strong Enough to Be a Model for Darfur?

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With over 200,000 killed and 2 million displaced, the search for an end to the violence in Darfur continues. At the same time, slow progress has been seen in Sudan's Comprehensive Peace Agreement (CPA) which ended Africa's longest-running civil war in 2005. The CPA has been touted as a model offering both a framework for power- and wealth-sharing as well as a significant momentum for peace in Darfur, but the strength of that model cannot be taken for granted. The current status of key CPA provisions (power sharing, wealth sharing, security arrangements, Abyei, elections) reveals challenges and recommendations for maintaining CPA vitality. Failure to further implement the CPA will negatively affect Darfur in the same way that continued violence in Darfur threatens to undermine the very model meant to bring peace to the region. As international pressure increasingly focuses on Darfur—especially with the likely transfer of a UN force there—the complex relationship between Darfur and the CPA, more than ever, requires a mutually reinforcing approach.

While violence in Darfur continues, great strides have been made toward peace elsewhere in Sudan, particularly with the signing of the CPA in January 2005, ending 21 years of war between the mostly Arab- and Muslim-identifying northern government and the generally Black African Christian- and Animist-identifying rebels in the South during which some 2 million people were killed. The CPA model is now being touted as a way out of violence in Darfur. A look at the status of the CPA's key components reveals how strong of an

example it is and what the international community can do to strengthen it.

Power Sharing

The CPA is based on a fundamental compromise which gives the Sudan People's Liberation Movement (SPLM) autonomy in the South while ensuring Islamic-based *Shari'a* law in the North. For a six-year period, power is to be shared between the two main parties to the peace as they work toward making unity attractive to the South. In 2011, a referendum in the

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South will decide whether it becomes independent. A Government of National Unity (GNU) has been set up with an SPLM leader as First Vice President and several SPLM ministers and representatives governing alongside National Congress Party (NCP) officials in the North. As was agreed in the CPA, the GNU Assembly is made up of 52 percent NCP, 28 percent SPLM, 14 percent north Sudanese opposition groups, and 6 percent non-SPLM southern Sudanese groups. The newly autonomous southern government is made up of 70 percent SPLM, 15 percent other southern groups, and 15 percent NCP representation. An Interim National Constitution has been signed, a judiciary set up, and a 2006 budget approved. A Southern Constitution has also been signed and a Southern Assembly established. According to United Nations Mission in Sudan (UNMIS) political affairs officer, Khalid EL Sawi, despite slow progress, the new Government of Southern Sudan (GoSS) is "functional" and has been successful in mitigating several local tribal disputes. A Bank of Southern Sudan has also been established as a branch of the Bank of Sudan, and, in accordance with the CPA, separate windows have been established to allow people the choice between the Islamic *Shari'a* or international banking systems. The design for a new national currency has been agreed upon and Tagelsir Mahgoub of the Joint Assessment Mission (JAM) (a group of UN, World Bank, NCP, and SPLM representatives set up to monitor CPA implementation) expects it should be introduced by the end of 2006.

However, even though the GNU exists in name, it is missing some key ministries and commissions which either have not been formed, have not met, or are not functional. The National Petroleum Commission (NPC) was meant to be responsible for assuring the 50/50 sharing of southern oil revenues between the North and the South. It was established in name by Presidential decree and had its first meeting at the end of 2005. Yet, into the CPA's second

year, UNMIS reported that "little progress has been made." Oil revenues remain a shrouded and controversial issue. Other key missing ministries are a Human Rights Commission, a Cease-fire Political Commission, a National Civil Service Commission, and a National Lands Commission. The fact that these commissions are those that deal with the most contentious issues in the peace process is neither surprising nor encouraging. Similarly, though a southern government exists in name, it has far to go. EL Sawi describes most southern ministries as being in the "teething stage" and points to a lack of qualified civil servants.

Both sides are to blame for the delays. The NCP has left its new governing partners out of many discussions and the SPLM has shown more interest in consolidating power in the South than truly forming a unified government. SPLM presidential advisor, Mansour Khalid, has expressed regret that the CPA did not better lay out the role of ministers, complaining that some unspecified NCP ministers were trying to claim more power than they should at the expense of bipartisan cooperation. Sadly, the actions of the NCP to this point appear to confirm a calculated political positioning rather than any real commitment to unity. This may not be surprising given the party's history as an elite group which has managed to keep control over a large population for some 17 years, despite challenges from other groups in the North. The NCP's agreement with the SPLM appears to be the latest strategy for securing its power against such challenges.

Nor does the SPLM appear to be committed to the notion of unity expressed in the spirit of the CPA. This is not surprising given the history of the SPLM as a loose-knit group of varying tribes held together only by their shared exploitation under the North and the goal of a separate South. The strong hand of John Garang, who had led the Sudan People's Liberation Army (SPLA) from its formation in 1983 until his death in a helicopter crash in July 2005, and his

ambiguously interpreted vision of a “New Sudan” played a key role in uniting opposition to the government and bringing about the CPA. With the death of John Garang, so too did the illusion of a South committed to a unified Sudan effectively die. Indeed, some observers have argued that the new head of the SPLM, Salva Kiir, does not share the vision of ruling over a united Sudan which is likely what motivated John Garang to push for unity. In the time since Garang’s passing, there has been a re-shift of the most qualified SPLM politicians to the South and a concentration of attention on issues which most concern it, such as southern education, consolidating southern security forces, and establishing southern ministries.

Wealth Sharing

Another key provision of the CPA was that half of the oil revenues from the South be given to the GoSS. Funds have indeed begun to be transferred to the South, totaling an estimated \$350–400 million at the start of 2006. However, figures for the total revenue and thus the South’s actual share remain obscure. A JAM report estimates that the amount due to the South should be closer to \$1.2 billion, while some SPLM critics claim that even that would be too low. The actual numbers involved remain highly confidential, based on an internal arrangement between finance experts from the two main parties. The issue is meant to become much more transparent with the establishment of the National Petroleum Commission, made up of members from both parties, but as stated above, the NPC is not yet functional. The NCP has also claimed that the costs of the governing council should be subtracted from the southern share. To complicate matters further, the definition of which oil comes from the South is disputed, especially with borders being far from clear and many oil fields being in the middle of disputed territories. Here it is the NCP which carries the blame

for not living up to its end of the bargain. But a lack of capacity, particularly in skilled human resources and financial expertise, on the side of the SPLM has hardly helped its cause. A little international assistance and pressure could do much to bring the wealth-sharing arrangements more into line.

Security Arrangements

Concrete steps have also been made in terms of security arrangements in the CPA, including establishment of a Cease-fire Joint Military Committee (CJMC) and progress toward reintegration of an estimated 48,000 militia troops falling under the umbrella of the Southern Sudan Defense Forces (SSDF) (mostly aligned with the NCP until recently). In January 2006, just in time for the deadline appointed in the CPA, a large faction of the SSDF followed General Matip (who was offered a position as number two in command) to the SPLA. A smaller faction chose to join with the Sudan Armed Forces (SAF). This move makes redeployment of troops easier and solidifies the SPLA’s strength in the South, but also puts a greater strain on the SPLA, which will have to find the funds to absorb their new troops as well as to keep them content.

Redeployment of troops has itself been a mixed success for the CPA so far, with the SAF seeming to hold to the CPA stipulations while the SPLA side lags. According to military observers in the UN Joint Monitoring and Coordination Office, an estimated 13,343 out of 42,976 SAF troops that had been stationed in the South prior to the signing of the CPA have been moved to the North, meeting almost exactly the 31 percent mark of troops to be removed within the first year as stipulated in the CPA. By the 30-month mark, the only remaining SAF troops in the South are to be those within Joint Integrated Units (JIUs), made up from equal parts of SAF and SPLA troops.

On the SPLA side, only 1,500 (17 percent) of 8,736 troops that were to have been

removed from the east of Sudan within a year of signing the CPA had actually been redeployed by January 2006. Other SPLA troops in the Southern Blue Nile and Southern Kordofan/Nuba Mountains regions will not be required to redeploy until six months after the establishment of the Joint Integrated Units. But the SPLA also lags in terms of setting up these joint units. Some 18,975 SAF troops (97 percent of the stipulated total) have been nominated for JIUs, while on the SPLA side, that number remains at 8,695 (just 46 percent of the stipulated total).

The delays in troop removal do not appear to be the result of a lack of commitment by the SPLA, as it has everything to gain from adhering to the schedule laid out in the CPA. The more SAF troops it can get out of the South and the greater the SPLM force that it can concentrate, the better chance it has of holding the NCP to its promise of recognizing a southern vote for independence. Rather, the delays in the setting up of JIUs seems to be due to logistics and upper-level delays for which both parties share blame. Particularly, a Joint Defense Board (JDB) was not established until a Presidential decree was made on 29 December 2005. Moving the remaining 7,236 SPLA troops in the East has proven a great challenge as well, particularly with national and international attention being deflected toward Darfur. Plans are now being floated to borrow U.S. helicopters or to transport the troops by barge back to the South. Tagelsir Mahgoub of the Joint Assessment Mission (JAM), stated that the redeployment delay in the East is generally recognized as a logistical problem and is “not a breaking point.”

However, if the SPLA troops are successfully removed, another problem may arise in the form of a power vacuum. A report from the International Crisis Group, released in January 2006, warned that pulling out the SPLA troops too soon will almost certainly lead to war between the SAF and the coalition of rebel groups in the East known as the Eastern Front.

Already there have been reports of attacks on eastern villages by groups armed and supported by the SAF. One senior UNMIS official warns of the creation of an effective “eastern Janjaweed” in what threatens to become another Darfur.

These are only the latest in a series of cases of NCP-supported violence going back to SAF support of the Janjaweed in Darfur, support of the Ugandan rebel Lord’s Resistance Army at least until November 2005, and continued reports of the arming of factions within the former SSDF. This indicates a continuation of proven NCP tactics of exploiting Sudan’s myriad of local tribal rivalries and underhandedly supporting divisions within or amongst rebellious regions, something which was used particularly effectively to divide the South in the early to mid-1990s. Seen in this light, the CPA is just a strategic opportunity for the NCP to take advantage of borrowed stability with the SPLM and partial appeasement of the West to consolidate its power within rebelling regions in the North. Even the value of SAF redeployment is weakened by the fact that, as of yet, none of the most strategically placed northern troops—in key southern towns like Juba, Malakal, and Wau—have been removed. The NCP appears to be set on delaying CPA implementation as much as possible without pushing the international community and the SPLM too far, while the SPLM remains limited both in its commitment to unity and its capacity to secure its own non-unity interests.

Abyei: Sudan’s Kashmir

The CPA’s greatest challenges and most divisive issues come to a head in the microcosm of the Abyei province. Abyei is a disputed border region between the North and autonomous South, both the site of important oil fields as well as a mix of local tribal loyalties. The placement of this border is particularly disputed because it will determine both significant revenues and concentration of loyalties leading up to an Abyei referendum over whether to

become part of the autonomous and possibly independent South. It has also gained great symbolic importance as the SPLM seeks to reward the loyalty of tribes that fought on its side.

Arrangements for Abyei were included in the CPA's protocol on the so-called "Three Areas" referring to the historically neglected regions of Southern Kordofan/Nuba Mountains, Blue Nile, and Abyei. The first two regions were given autonomous status in the North with their own preset representation formulas, while Abyei was given special administrative status leading up to its referendum. Uniquely, an Abyei Boundaries Commission (ABC) of international experts was set up to determine the disputed land claims between various tribes. Both the NCP and SPLM agreed to abide by the Commission's decisions. The ABC met with all sides to assess claims, then relied heavily on historical records to determine a general latitudinal border to split the main areas, as well as recommending shared land use rights. The ABC report was presented to President Bashir on 14 July 2005, but has yet to be acted on. In the meantime, the Misseriya tribe has rejected the still unpublished conclusions, and tensions in the area remain high.

How significant is the failure to act on the ABC report? SPLM North spokesman Waleed Hamid referred to the Abyei issue as a top priority of the SPLM, suggesting that it was the greatest failure of CPA implementation to date. The SPLM has appealed to the government and to the international community and already hinted at a return to war if its pleas are not answered in those venues. Going further, SPLM leader, and first vice president of Sudan, Salva Kiir, has allegedly stated that if the SPLM goes back to war, it will be over Abyei.

The reality is that the conclusions of the ABC have become an ingrained part of the CPA which both sides agreed to abide by. An October 2005 U.S. Institute of Peace report cites Sudan expert Francis Deng's warning that messing with the ABC report

is messing with the CPA. Allowing the Abyei dispute to sit and fester endangers the peace process overall, leaving an ever-present powder keg, or what observers like Endre Stiansen, a Norwegian participant in the peace talks, ominously warn may become "another Kashmir." If there was ever a place for international mediation, it is in this all-important area. Both parties agreed to accept the commissions report. Those parties must now be held accountable.

Elections

A far less vocalized failure of CPA implementation, but one equally damning, is the lack of progress toward a census and national elections which are to be held by 2009. A rush of motivation and logistical support for a census cannot be ruled out, but given the current progress it must be seen as unlikely. This leaves two possibilities for when the scheduled deadlines for elections and referendum are reached: either a return to war, or what officials like SPLM North spokesman Waleed Hamid already recognize as a possibility—an extended interim period.

The International Community

The international community played an essential part in bringing about the CPA and continues to play a key role in its implementation. The UN, World Bank, International Monetary Fund, countries of the Inter-Governmental Authority on Development (IGAD) (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda), and countries like the United States, Norway, China, and India are all involved with various interests in Sudan. A group of donors including the United States, the European Union, and the African Union have pledged \$4.5 billion to Sudan over the next three years while also applying pressure to end violence in Darfur. The most visible international presence is the UN Mission in Sudan (UNMIS), which as of

February 2006 had 6,147 personnel in Sudan. UNMIS's mandate is to help implement the CPA, and it is operating under Chapter VII of the UN Charter allowing it to use force to protect its personnel and "civilians under imminent threat of physical violence." UNMIS's successes include assisting with the voluntary return of refugees and internally displaced persons (IDPs), demining assistance, movement of a large number of cattle important to the livelihoods of returnees through rival areas without incident, and mitigating local disputes in areas like Abyei. Its role as a monitoring force has been important in keeping up pressure on the parties toward implementing the CPA. Its potentially most important role will be sponsoring peace negotiations between the government and groups left out of CPA arrangements, particularly in Darfur.

The relationship between Darfur and the CPA is complex. Even as the CPA stands as a potential example for pulling Darfur out of violence, the violence in Darfur threatens to undermine the CPA. Similarly, though Darfur attracts international attention and pressure which can help in CPA implementation, the focus on Darfur threatens to overshadow and complicate the implementation of the CPA. One result of such overshadowing has been the failure to deal with troop redeployment and rebel groups in the East, an oversight which now threatens to bring about another Darfur-like situation. Similarly, calls for a robust UN force in Darfur have taken attention away from CPA implementation and soured relations between UNMIS and the NCP. The SPLM, for its part, has been disappointingly quiet on the Darfur issue, only belatedly expressing a different line from its dominant partner in the Government of National Unity (GNU), by saying it would accept UN troops in Darfur. But this too has the potentially negative side effect of testing the boundaries of the GNU. Despite the objections of the NCP, there is great international momentum toward transition from the current 7,000-strong African Union force

in Darfur to a more strongly mandated and better equipped UN force of up to 15,000 troops by fall 2006. Such a UNMIS extension would further link Darfur and the CPA but also risks weakening UNMIS efforts with the CPA. Already, concern has been expressed that extension of the UNMIS to Darfur may take away from the 10,000 troops not yet fully mobilized that were appointed to help with CPA implementation.

The prospect of a continuation and intensification of the various CPA delays, as highlighted in the previous sections of this paper, through increased tensions with the government, new strains on the Government of National Unity, and overshadowing of the situation in the East cannot be ignored. Even as the international community, and UNMIS in particular, are taking steps to resolve the immediate threat of the situation in Darfur, attention and pressure on implementation of the CPA and awareness of threats arising in other areas must be maintained.

Conclusion

The CPA is not as strong as might be hoped but it stands as a viable example for the conflicts in Darfur and the East. Significant steps have been made toward implementation which offers a momentum which could carry Darfur with it. However, the model of the CPA is not unthreatened. Some of the most important issues remain to be addressed and the commitment of the parties is questionable. The NCP has been seen to have a commitment to unity limited by strategic calculations while the SPLM suffers from a lack of capacity and will for unity. It does not seem likely that tensions will soon come to a boiling point, even in the face of continued delays, but the pace at which these implementation measures are made will determine if the peace can be kept as the referendum deadline approaches. The SPLM may agree to an extended transition period, but its patience will depend on the extent of implementa-

tions to that point as well as on guarantees which the international community might be able to provide. If and when a referendum comes about, it is hard to imagine either a South which votes for unity or an NCP that accepts separation. The willingness and ability of the North to undermine a likely southern decision for separation will depend on whether the SPLM can prove unified enough, adapt quickly enough, and develop a secure enough government and security force presence in the South to force the NCP to accept it as a necessary partner to ensure its own survival and well-being. Of utmost importance in this regard will be the security arrangements and the balance of military power in the South. The joker's card in this hand is the commitment of the international community. Just as the SPLM did not bring the CPA about on its own, it is not likely that the SPLM will progress enough on its own to hold the NCP to its CPA commitments. If a return to war is to be avoided, then the international community must demand accountability. The clearest ways to do this, as identified in the above sections, are through support and pressure for the establishment of a National Petroleum Commission, acceptance of the ABC report, and the completion of a census.

If international pressure continues to be applied toward CPA implementation, it can indeed stand as an example for Darfur. In terms of power sharing, an official ratio of regional representation—whether the 70 percent enjoyed by the SPLM in the South or another negotiated number—could do much to replace the past lack of power for the people of Darfur and to increase their willingness to cooperate peacefully in the future. Likewise, official wealth-sharing numbers in terms of budget allocation from the central government and offers of some oversight of revenue, as seen under the CPA, would be important confidence-building measures in Darfur. Furthermore, provisions could be made for former rebel troops to be adopted into the national army or into regional joint units, based on the

CPA model. Of course, as with any model, some provisions will have to be adapted for the specific situation. Wealth sharing in Darfur could not be based on oil as in the South, but rather might consist of set transfers from the central government, established grazing rights, or perhaps famine relief funds. Nor would a self-determination referendum fit Darfur. Likewise, human rights provisions in the wake of the high profile, large-scale violations in Darfur would need to be stronger than the weak ones seen in the CPA.

In the end, the ability of negotiations in Darfur to adopt and to adapt to the CPA model will depend on the potentially strongest aspect of that model: its success. As was seen above, that success will depend on continued international attention and pressure for implementation. Without that pressure, the CPA will be doomed to only a less-than-positive model warning of the NCP's delaying tactics and the unlikelihood of support from an SPLM with its hands full and eyes focused on the South.

Finally, it must be recognized that increased international attention on Darfur threatens to destroy the very model which could bring it peace. The CPA has the potential to stand as a model and source of inspiration for pulling Darfur out of violence, but it is weakened by deflection of international attention away from continued implementation. At the same time, stability in Darfur would greatly help the CPA. This complex relationship makes it imperative that efforts to end violence in Darfur and to implement the CPA be combined to reinforce each other. Ignorance of either could mean failure for both.

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