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Royal African Society

The Horn of Africa Group

Summary record of a Seminar on Sudan

Sudan: Where is the Comprehensive Peace Agreement Heading?

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Introduction

1. On 23 November 2007 the Horn of Africa Group¹ held a seminar at Chatham House on Sudan and the Comprehensive Peace Agreement (CPA). At a time when the CPA implementation was clearly faltering, the seminar brought together a mix of officials and opinion leaders from Sudan, together with academic specialists and foreign policy-makers. The aims of the seminar were threefold: to assess the obstacles to implementation and what should be done to overcome them; to anticipate risks of a return to conflict and any mitigating steps that could be taken to avoid them; and to identify areas of CPA implementation where energy and attention need to be focused, whether by the local actors or by international supporters of the process.
2. The seminar was held under the Chatham House Rule. The participants represented a wide range of political opinion from both North and South Sudan. The following summary record seeks to reflect the full range of these often quite divergent views and to capture some of the key themes that emerged during the discussion.

Background

3. The CPA was signed in January 2005, ending 25 years of war between North and South Sudan. It was designed to achieve a fairer deal for Southerners in the economic and political life of the country, as well as enhancing democratic governance in the rest of Sudan. The CPA created an autonomous Government of Southern Sudan and established a six-year implementation timetable, with benchmarks that include elections in 2009 and a referendum on independence for the South in 2011, as well as the establishment of a Government of National Unity in which the Sudan People's Liberation Movement (SPLM) took part alongside the National Congress Party (NCP) and other political forces. (A checklist of the key provisions of the CPA forms an [annex](#) to this report. The full text of the CPA is available at www.sudanarchive.net)
4. In early October 2007, the SPLM provoked a political crisis by suspending its cooperation in the Government of National Unity, in protest at delays in implementation of the agreement. The seminar on Sudan was held in late November at a time of considerable political uncertainty. Negotiations over terms for the renewal of SPLM cooperation in the national unity government were still taking place. Both

¹ The Horn of Africa Group is a collaboration between four London-based institutions: Chatham House, the Royal African Society, the Rift Valley Institute and the Centre for African Studies at London University.

President Omar al Bashir and Vice President Salva Kiir (SPLM) had reaffirmed their commitment to the CPA. But Bashir had restated his rejection of the delimitation decision of the Abyei Boundary Commission and called for mobilization of the People's Defence Forces to be 'ready for any eventuality'. The SPLM had threatened to withdraw from the Government of National Unity if implementation was not back on track by 9 January 2008, the third anniversary of the agreement. Political negotiations between the two sides were continuing, with both sides working to a timetable of the end of December to resolve blockages to implementation.

Implementation of the CPA: major issues

5. The CPA has an institutional mechanism of its own, the Assessment and Evaluation Commission (AEC) which had issued a lengthy report in October. It can be viewed at <http://aec-sudan.org/docs/cap-en.pdf> and covers in full detail progress on four key areas, namely power-sharing, wealth-sharing, the 'three areas' (Abyei, South Kordofan and Blue Nile) and security arrangements. This formed the backdrop to the discussion. It was not the purpose of the seminar to investigate the issues in detail, but rather to appreciate how different stakeholders perceived the problems of implementation and to highlight what might be at stake in the longer term.
6. A core unresolved problem for Sudan is the territorial definition of the South. This was acknowledged to be a contentious issue and the seminar saw evidence of the stark differences between the two sides over the status of the Abyei Boundary Commission report. This is 'final and binding' in the eyes of the Commission and the SPLM but has not been accepted as such by the Presidency. The upshot of this is that the oil-rich region of Abyei still lacks an administration and has troops from both sides present in the locality. The loss of oil reserves to an independent South is a key issue that continues to bedevil the decision over demarcation of the border. Elsewhere along the North–South border, the agreed process for withdrawal of government and former rebel forces to their respective territories has fallen behind schedule and the demilitarization of the oilfield region has not been achieved.
7. Another key issue is the ethnic and demographic definition of the South. This has significant implications for the conduct of the national census stipulated in the CPA. The results of the census are of vital importance: they will provide the basis not only for future elections but also for the present division of power and resources. However, the census, now promised for February 2008, is already behind schedule and there is dispute between the parties regarding the inclusion of questions on ethnic identification. The status of Southerners living in the North and their right to vote in a referendum on the future of the South is the major potential source of conflict. There

are large numbers of Internally Displaced Persons (IDPs) from South Sudan who fled to the North during the war and have not returned home. The issue of how many of them intend to return and the responsibility of the Government of South Sudan to arrange for their return are important parts of the equation.

8. The complexity and timescale of CPA implementation make an overall assessment inherently difficult. The common ground that neither side wants a return to war is an important base-line, but the absence of trust was apparent during the course of the seminar. It proved as easy to point to all that has been done to implement the agreement as to itemize all that has not. Representatives of the two sides did just that, while each acknowledged that an enormous amount of progress had been made in implementation. However, it remained open to interpretation which issues had not been implemented owing to lack of capacity and delays in institution-building, and which denoted lack of political will and a desire to renegotiate the agreement and therefore had the capacity to jeopardize the peace.
9. Nevertheless, it was argued that both parties still had much to gain from the CPA. If the NCP wanted to maintain the unity of Sudan the only realistic way to do this – short of the use of military force, which had not been overly successful in the past – was an honourable implementation of the CPA. For the SPLM, if it desired a civil separation from the rest of Sudan, implementing the CPA was the only realistic way to achieve this.

The nature of the agreement: How comprehensive is the CPA?

10. The CPA cannot 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. It was suggested that the CPA, as a continuing peace process, needed to be viewed against some ‘qualitative’ benchmarks as well as the quantitative benchmarks that were set out.
11. The CPA concentrates largely on relations between the two main parties, and sets out the mutual undertakings between them. But one theme that emerged strongly at the seminar was that seemingly ‘smaller’ issues, such as local-level conflict over access to land, could easily be manipulated at the macro level. Local issues were just

as likely to provide triggers for a return to conflict as major political disagreements. Managing such local-level conflicts was as important as the agreements further up the chain and deserved more attention.

12. 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, participants in the seminar noted that its contents were not widely known or understood by the Sudanese public. Civil society in the South had not been very vigorous in disseminating information about the agreement. In fact the current crisis had had the beneficial effect of sensitizing more people to the agreement and the disagreements that had arisen, for example, over Abyei. 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.

Democratic change

13. The interdependence of establishing democracy and implementing the CPA was an important and recurring theme of the seminar. It was noted that, for the purposes of the CPA, the NCP 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 NCP runs the risk of undermining the legitimacy of the CPA, especially when the popular support of the NCP comes to be tested in elections. 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.
14. The seminar considered the outlook for the 2009 elections. Both the NCP and the SPLM could expect to face challenges to their political pre-eminence in their respective sections of Sudan. Participants were reminded that there had only ever been one outright winner of an election in Sudan, and that was in 1953. The likelihood was that a coalition government would be formed. There were many possible permutations for post-election coalitions, including a continuation of the current NCP/SPLM coalition, an anti-NCP alliance centred on the SPLM (bringing in allies from Darfur and the East) or a different coalition designed to exclude both the NCP and the SPLM from power. While it was acknowledged that smaller opposition

parties would face significant challenges of organization, funding and freedom, there was still an element of unpredictability in elections. The possibility of the SPLM and/or the NCP losing power could not be ruled out. This would compound problems of CPA implementation in ways that were hard to predict.

15. Participants were cautioned not to assume that loyalties were fixed in Sudan. The majority of voters in the predominantly youthful population would be voting for the first time. This youthful majority felt profoundly disenfranchised and intensely marginalized and did not feel represented by traditional Sudanese political parties. The SPLM could not count on being accepted as the sole voice of the South any more than the NCP could bank on such support in the North. Both the NCP and the SPLM would need to deliver results if they wanted to claim leadership through the ballot box. It was observed that the South remained very underdeveloped, with a widespread sense of frustration at the lack of peace dividends. High levels of illiteracy did not mean that the public would vote for an organization that would not benefit them. If both parties could deliver peace and stability they would put themselves in a strong position to remain in power.
16. In the South, responsible donor support is part of the equation to make this happen. It was emphasized that democratic norms would need to be established for the success of the 2009 elections. Although Sudan had had experience of elections in the past, it had never achieved the 'bedding in' of democracy through transfer of power at a second or third election. Furthermore, if the campaign proved divisive, the election itself could be a trigger for renewed conflict. The long-term success of the CPA would be judged by the successful development of a democratic culture that enabled power to be transferred and disputes to be settled peacefully.

Governance and local issues

17. The seminar heard that while the recent falling out between the NCP and SPLM had captured world attention, a more likely way for the agreement to break down was through an accumulation of mishandled local issues. The current conflict in Darfur had emerged from the systemic failure over time to address local resource issues, especially those concerning access to land. Similar pressures were becoming evident elsewhere, notably in Kordofan. Tensions over land were developing on several axes, between pastoralists and farmers, among pastoralists, between farmers and traders and between returnees and sharecroppers. Returnees (IDPs) who returned to find their land occupied by others often exacerbated already complex land disputes. Failure to manage these local issues could prove fatal to the implementation of the CPA. If left to fester they could generate renewed conflict that could induce one (or

both) of the major players to abandon the peace process. Particularly in the border areas this was an issue that needed to be addressed and systems to resolve disputes must be found.

18. Corruption also needed to be addressed in order to stem disillusionment with the traditional parties and the peace process. Perceptions that the main beneficiaries of peace were the politicians helping themselves to the country's resources were fuelling a strong popular feeling of marginalization in the periphery. This was harmful to prospects for the CPA. The SPLM needed to make clear its efforts to tackle corruption and ensure that its administration was truly accountable to the people. This was a necessary part of its transformation from a liberation movement to a governing party.
19. Consultation was also important. Dictates coming from central government that did not reflect local realities were likely to be ignored. Developing effective and acceptable consultation methods would be an important way to bolster support for the new institutions. These issues were not unique to South Sudan; the North also had huge problems with accountability and consultation. It was as likely that the agreement could break down because of failure in Khartoum to address these issues as it was that Juba would be responsible for its failure. In fact the greater presence of government in the North made the issue more pressing there.

Could the CPA break down? What would follow?

20. In the course of discussion, several vulnerabilities of the CPA were noted. They included the risks inherent in its lengthy implementation timeframe and the sustained commitment that this necessarily demanded of the two parties. It was more than a matter of monitoring the benchmarks in the implementation timetable, a job that the AEC could perform perfectly well. The working through of the agreement also required the cultivation of trust between the two parties, equipping them to confront and deal with problems that arose in implementation without putting the whole process in jeopardy. The absence of trust was still apparent after almost three years of peace, leaving scope to constantly question the political will of either side. The lack of wider buy-in to the CPA by the full range of Sudanese political forces also contributed to its fragility. Such ownership might serve to buttress the agreement and provide support to the two parties when stresses arose over aspects of implementation.
21. Compounding these various vulnerabilities was the fickleness of international support. The signing of the CPA had come about with very significant input from the

international community, with key players, notably the US, putting wholehearted effort behind the IGAD-led process. Since signature, international attention had been almost wholly redirected to Darfur and IGAD had done little to follow up on problems of implementation.

22. Despite these vulnerabilities – all of which have some potential to be addressed – it was not the sense of the seminar that the CPA was on the point of breaking down. On the contrary, there seemed to be a number of powerful reasons for it to survive. Its two signatories, the SPLM and NCP, are still the main beneficiaries of the agreement. The power-sharing deal that has brought the SPLM into the government is an important start. There is still a long way to go to solve all the problems of peace and security for the South, but the peace dividend is real. Its benefits are evident in the South, where the war was fought. But peace also benefits the North, particularly its NCP leaders, who are the principal beneficiaries of Sudan's recent economic boom, fuelled by oil reserves that extend to the South.
23. There are real incentives, therefore, for finding a way forward over difficult issues such as Abyei when the alternative could be a never-ending war in the boundary zone. Looking ahead, the paradox of the CPA is that its effective implementation holds the key to achieving two quite different outcomes. On the one hand, it contains all the elements that are needed for 'making unity attractive' for a future united Sudan. On the other hand, it provides the basis for a political transformation in both the North and South that would make a democratic disengagement, and peaceful separation, possible.
24. Whether such a separation would be the desired outcome for the South in a future referendum was a question that necessarily remained unanswered. But whether and how implementation of the CPA was achieved was recognized to be an important component of that vital future decision. The CPA enjoins both parties to 'make unity attractive'. It was argued that the SPLM could best achieve this by showing it could deliver a peace dividend and create a secure and prosperous environment for Southerners, including returnees. Southerners would also need to be reassured that separation had been genuinely agreed and would not lead to permanent hostilities between those living in the border areas. The case for a separate South would need to be convincingly framed around providing less uncertainty and hostility than that which Southerners had experienced in their long association with Northern Sudanese.

[Where should international attention be focused?](#)

25. The CPA still offers the framework for political change and democratic transition in the North and South of Sudan that would transform the country's prospects. Several participants at the seminar suggested that the international community should pay more heed to its full implementation, especially in areas where it seemed to be faltering. It was recognized that ultimately the signatories themselves held the key to the CPA's success. But the following areas of activity were identified as ones where the international community could usefully engage in support of the process:

- Development of the existing implementation monitoring mechanism, such that, in addition to measuring progress against benchmarks, it adopts a more proactive, problem-solving approach to the challenging aspects of implementation.
- Active support for the dissemination of information about the CPA with the aim of building a wider constituency of support for its full implementation across the spectrum of Sudanese political groups.
- Support for increasing political space and enhancing the political freedoms that need to be enshrined in order for the elections and the referendum to be accepted as free and legitimate.
- Support for systems of transparency and accountability over the use and allocation of resources both to avoid corruption and to build public confidence in the efficacy of the resource-sharing arrangements in the CPA.
- Attention to the risks of local-level conflict, especially contests over land and return of IDPs, which could flare up violently and destabilize the CPA. The establishment of local administration with the capacity to manage and mitigate such conflicts deserves support. The IGAD early warning system, CEWARN, would be ideally suited for the task and regionally owned.

Postscript

26. Negotiations between the NCP and the SPLM continued during December. Agreement was reached on completing the redeployment of North Sudanese troops from the South by the end of the year and establishing joint forces to patrol the oil fields. Funds were allocated for the census and for border demarcation. The two sides did not reach agreement on Abyei but agreed to continue talks to resolve the matter. In the light of this progress, the SPLM formally rejoined the Government of National Unity on 27 December 2007. The CPA has thus weathered the crisis of implementation that threatened to unravel the agreement in late 2007. A key

conclusion of the seminar was that all sides, including international partners, would need to work hard and with imagination to ensure that the agreement could deliver a peaceful conclusion to Sudan's oldest civil war.

ANNEX

Key provisions of the Comprehensive Peace Agreement (CPA) of 9 January 2005

- A six-year 'interim period' during which the country will be governed according to the terms of the peace agreement, preceded by a six-month 'pre-interim period' which begins when the comprehensive peace agreement is signed. The interim period began on 9 July 2005.
- An internationally-monitored referendum of self-determination for the people of southern Sudan – to choose between continued unity with the North and secession – to be held at the end of the six-year interim period.
- A new interim national constitution based on the current national constitution and the CPA, followed by a broader constitutional review process during the interim period.
- The current President to remain in office, with the Chairman of the SPLM as First Vice President, pending elections.
- A new Government of National Unity, including the ruling National Congress, the SPLM and other political forces, and a similar reallocation of seats in the National Assembly for the period prior to parliamentary elections.
- Creation of a Council of States as a second legislative chamber, with each state having equal representation.
- Elections to all levels of government by the end of the fourth year of the interim period.
- A Government of South Sudan, with an independent executive, legislature and judiciary; this will have wide-ranging powers in many areas, but not those residing at national level (defence, national security, foreign policy, currency, national budget, national police, etc).
- Shari'a need not be a source of legislation in South Sudan.

- The national capital (Khartoum) will be administered in a way that tolerates the diversity of the country; non-Muslims in the capital will not be subject to Shari'a penalties.
- Special political arrangements for the conflict areas of Abyei, Nuba Mountains and Blue Nile, located in North Sudan.
- Decentralization of power, with power-sharing at state level in North and South including opposition forces, and elections to state assemblies after four years.
- Equitable sharing of wealth, bringing southern Sudan and other war-affected areas up to the level of northern states.
- Revenue from oil reserves in South Sudan distributed equally between the National Government and northern states, and the Government of South Sudan.
- A permanent cease-fire in southern Sudan and other areas affected by the North–South conflict [NB not Darfur] to come into effect when the comprehensive peace agreement is signed. Both sides will redeploy their forces.
- An invitation for the United Nations to deploy a peace support operation to monitor and verify the agreement.
- The GoS army (SAF) and the SPLA will remain separate during the interim period, and both will be considered as Sudan's national armed forces. Some Joint/Integrated Units (sic), composed of SAF and SPLA personnel, will be created.
- A national programme of demobilization, disarmament and reintegration (DDR).
- An unspecified process of national reconciliation.
- Establishment of an Assessment and Evaluation Commission (AEC) with international participation, to oversee implementation of the CPA.

Sources: The Machakos Protocol, 20 July 2002; Agreement on Security Arrangements During the Interim Period, 25 September 2003; Agreement on Wealth Sharing, 7 January 2004; Protocol on Power Sharing, 26 May 2004; Protocol on Resolution of the Abyei Conflict, 26 May 2004; Protocol on Resolution of conflict in Southern Kordofan/Nuba Mountains and Blue

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Nile states, 26 May 2004; the Agreement on Permanent Cease-fire and Security Arrangements, 31 December 2004; the Agreement on Implementation Modalities, 31 December 2004.