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## Analyses and Reports

# The Comprehensive Peace Agreement and the Dynamics of Post-Conflict Political Partnership in Sudan

Einas Ahmed

**Abstract:** Most of the researches on peace agreements conclude that power-sharing arrangements included in these are mostly to the detriment of long-term democratic transformation. The basic argument of these studies is that peace deals consolidate mainly the power of the signatories to the detriment of other major political forces. This article illustrates that, in contrast to many cases, the Comprehensive Peace Agreement (CPA), which was signed in 2005 between the government of Sudan represented by the ruling party, the National Congress Party (NCP) and the Sudan People's Liberation Movement/Army (SPLM/A), has led to an important political transformation in state structure as well as in power relations. Although the CPA enhanced the legitimacy of the SPLM and the NCP and consolidated their political domination, it, nevertheless, contributed to a significant political opening for other political forces in the North and in the South. The CPA put an end to the historically exclusive political hegemony of the North. This article focuses on the dynamics of relations between the SPLM and the NCP during the transitional period and illustrates how these dynamics have impacted upon the process of political transformation.

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**Keywords:** Sudan; Domestic policy; Conflict-resolution; Power-sharing

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In January 2005, the government of Sudan, represented by the ruling National Congress Party (NCP) and the Sudan People's Liberation Army/Movement (SPLM/A) signed the Comprehensive Peace Agreement (CPA). The agreement put an end to a civil conflict of more than twenty years. Nearly five years into its implementation, it has already become clear that the CPA is much more than a peace agreement between two warring camps. Rather, it is a peace deal, which has paved the way for changes to the underlying power relations – both political and economic – and, as a result, altered the state structure in Sudan. There are four main reasons for this significant impact.

more than peace agreement;  
=> changed power structure

First, the text of the accord provides for radical shifts in the relationship between North and South. Southern Sudan has a transitional period of self-determination until, in 2011, a referendum decides on secession (to create a separate state) or unity (to remain united in one Sudan).

Second, the negotiating process, between NCP and SPLM/A, for the CPA's power-sharing arrangements encouraged other marginalised regions and communities in western and in eastern Sudan to resort to violence, forcing the regime in Khartoum to close more deals in the form of political settlements.<sup>1</sup>

power-sharing triggers different conflicts

Third, as many other peace agreements, the CPA embodies a transition to democracy and stipulates the holding of national elections during the interim period. Although Sudan has in the past experienced three competitive multiparty elections, the upcoming one is certainly different from earlier elections. Above all, it will entail massive international involvement, particularly in terms of funding and technical monitoring. Of even more importance in the context of Sudan is that for the first time a secular, non-Muslim southern political party, the SPLM, will be a prime actor in electoral politics.

Fourth, the CPA also caused an important alteration in the relations between religion (Islam) and politics, the essence of the political domination in Sudan. The CPA stipulates that Sharia, the Islamic Law, will only be applicable in Northern Sudan.

Sharia only in North

This paper aims at demonstrating how the first five years of the CPA-driven transition period has largely transformed state structure and power relations.<sup>2</sup> The main argument is that, contrary to many power-sharing agreements, the CPA paved the way for a gradual transition towards signifi-

what would be a non-transformation

- 1 The outburst of conflict in Darfur is the perfect illustration of one of the negative consequences of power-sharing agreements: "power-sharing agreements may contribute to the reproduction of insurgent violence" (Tull and Mehler 2005: 375).
- 2 The arguments, opinions and ideas expressed in this article are solely those of the author and she takes full responsibility for them.

cant political transformation and meaningful compromises – despite the fact that it is a deal between only two Sudanese actors. this is contrary to what many other papers say

Transformations took shape at various levels. The CPA changed the relationship between the two dominant political groupings NCP and SPLM/A: It stopped a war and set the rules for sharing the disputed resources and powers between the two parties (representation in the state, and control of wealth and territory). As a consequence, it contributed to intensifying ethnic claims and competition over resources within both Northern and Southern Sudan, which in turn threatened the hegemony of the SPLM and the NCP. In the course of this, new dynamics have developed between the two parties and – maybe more significantly – between them and the opposition parties.

Moreover, the CPA indirectly led to transformations within several geographical and administrative entities. The war in Darfur and the late tribal confrontations in Jonglei State in the Southern Sudan are the best illustrations for this political fallout. It disproves the common belief that both Northern Sudan and Southern Sudan are homogenous political and social entities, and that the NCP and SPLM/A represent the whole of its people in the North and South respectively.

One might argue that it is too early to write about the CPA and its effects on Sudan and its political and economic power structures. In fact, any attempt to analyse an ongoing peace process is risky. The following sections therefore just present an early effort to assess the nature of political change that has resulted from the signing of the CPA in 2005 so far. In order to do so, the argument divides into three aspects that are important drivers behind current developments in Sudan. First, is the context in which the CPA was negotiated that still determines much of the atmosphere between and within party politics in both capitals. Second, one has to look in detail at the power-sharing protocol and how it sets out to alter the structure of the state, which remains the most important issue at stake. Third, it is important to understand the relationship between the SPLM/A and the NCP – and the increasing frictions within each party – in order to appreciate the full extent of political change that has taken place since 2005.

## Between a Rock and a Hard Place: The Context of Signing the CPA

The road leading to the signing of the CPA has been rough, scattered with numerous setbacks. Nevertheless the NCP and the SPLM/A were commit-

intra-ethnic  
dynamics  
change due to  
inter-ethnic PSA

N and S less  
homogeneous  
than often thought

ted early on to entering into negotiations.<sup>3</sup> Indeed, the two signatories saw that it was in their ultimate interest to engage in talks and to acquiesce to the pressure of the external mediators. This is a fundamental aspect to keep in mind when looking at the implementation of the CPA. The parties agreed to power-sharing arrangements and to the principle of competitive elections as “a non-violent strategy or vision for achieving power” (Spears 2000: 107).<sup>4</sup> In other words, the concessions made by both parties were (and are) essentially aimed at maintaining power.

power-sharing  
as a means  
to conquer power

However, the beginning of new negotiations in early 2002 coincided with a phase when both parties had to adopt a pragmatic attitude towards each other and had to accept concessions. This pragmatism found its roots in both regional and internal party politics. Leaders from neighbouring countries and other external players pressed the Sudan’s adversaries into joining the dialogue for a peace agreement. At the same time, the negotiation table also represented a deliberate option and strategy chosen by the two parties in a bid to maintain political power.<sup>5</sup> The fact that both the SPLM and the NCP realised that a military victory could not be achieved facilitated an atmosphere of commitment for a peace deal.

\* military stalemate;  
\* acknowledgment;  
\* outside pressure  
\* PSA as tool

The NCP, in particular, saw its regime confronted with an increase of external pressures from the international community. The most influential one, the new US administration under George W. Bush (2001-2009), was wary of the regime’s support of terrorist actors in the region.<sup>6</sup> US sanctions, already imposed by the Clinton administration from 1997 onwards, had drastic effects on Sudan’s international image. Even though official rhetoric was markedly different, the NCP was indeed keen to rehabilitate its image in the international arena and looked for normalisation of its relations with the US administration.

external pressure  
US; 9/11 framework

At the same time, the NCP leadership was facing the most serious crisis of its history. A major split occurred when it’s political and intellectual

Clinton sanctions  
on Sudan

NCP - regime  
split

exact year

3 The first round of negotiations under the auspices of IGAD (the Inter-governmental Authority on Development) started in March 1994 (after some earlier bilateral attempts). It was then interrupted to resume again in July 1997.

4 Ian Spears (2000: p.107) rightly suggests that “to understand further why successful power sharing is so rare, it helps if we see power sharing and the democratisation process in general not as a policy objective of parties and movements, but as a non-violent strategy or vision for achieving power”.

5 For details of the context of negotiations of the peace agreement, refer to Lam Akol (2009), chapter 10; and Khalid 2003.

6 The regime’s top leadership was accused of being closely involved in terrorist attacks in the region, like the US embassy bombings in Dar es Salaam and Nairobi on 7 August 1998. US air planes bombed a pharmaceutical complex in Khartoum on 20 August 1998 in retaliation.

NPC - loss  
of legitimacy

leader (and the architect of the *coup d'état*), Hassan al-Turabi, was toppled by his closest party followers. This rupture fundamentally affected the credibility of the regime's leaders, and called into question the state of the Islamist movement as a whole. The core elite appeared fragmented, losing its aura of the "religious authority". Instead, they rather reflected the image of a group obsessed with power. The group, which had led the internal coup in 1989, included all the top leaders of the regime, military and civilians. The current President Omer al-Beshir and Ali O. Taha (the main negotiator of the CPA on behalf of the government) were among them. Concurrently, since early 2001, the SPLM/A has been engaged with the northern opposition parties in a broad coalition, the National Democratic Alliance (NDA), based in Cairo.<sup>7</sup> All called for the establishment of a national government with the view to concluding a "new social contract based on the pluralism of the Sudanese Society" and the right to self-determination for the whole people of Sudan (Khalid 2003: 884).

The NCP was thus facing an external and internal legitimacy crisis, affecting its credibility. Therefore, accepting to negotiate a peace agreement was largely a strategy to attempt to rehabilitate its image, in the view of reacquiring its legitimacy as well as credibility. This also explains the current flexibility of the NCP *vis-à-vis* the US administration's policy.

The SPLM/A had its own problems. On the one hand, it was progressively losing its regional support (mainly the backing of Ethiopia and later that of Eritrea). On the other hand, the rebel leaders faced mounting critique from humanitarian actors based on their record of human rights violations, similar to the critique of the NCP in the North. Internal divisions and defections among its top leaders (civilians and military) increasingly weakened the organisation. This trend was particularly visible regarding the leadership of Garang. As a consequence, those within the movement who advocated secession were gaining ground. In fact, the separatist faction had strong advocates, albeit behind closed doors, among the top leadership, while the idea of a "New Sudan" (Garang's programme) had appealed strongly to all marginalised non-Arabised communities in Sudan.

At the regional level, in the context of relations between neighbouring regimes, Eritrea and Ethiopia encouraged the NCP and the SPLM/A to engage in dialogue about a political solution to the conflict. All three states were, for years, supporting the rebel movements against their respective

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7 In fact, the NDA was rather a loose coalition. Disagreement and factionalism prevailed among its members. Today, with the exception of the Popular Congress Party (PCP) of al-Turabi and the National Oumma Party (NUP) of al-Sadig al-Mahdi, all the opposition parties are part of the Government of National Unity (GNU).

outside pressure

SPLM => also  
internal splits

governments. By the late 1990s, they adopted a new policy of reconciliation. Both the Ethiopian and Eritrean governments, who were supporting the SPLA, played a positive role in the peace negotiations. Also, the new approach of the Bush administration, acting as an important international mediator, proved a determining factor in pushing the two parties to the negotiation table. In addition, the two warring parties confirmed the regional IGAD (see note 2) in its official mediating role, which enjoyed support from the US and others. The continuous IGAD engagement was a major contribution to the success of the talks.

Apart from international pressure, the CPA would probably not have been concluded successfully if it had not been for the personal ambitions of the main two negotiators, the late Garang and the current Vice President Taha. The CPA is widely seen as the achievement of these two men. In fact, until today, it is perceived as the legacy left by them since the former passed away in August 2005 and the second no longer enjoys the same exclusive and extensive dominant status. Both were driven by personal ambitions to conclude the agreement.

importance of persons

wikipedia: 30/7/05

For Garang, it was important to assert his authority *vis-à-vis* his adversaries in the SPLM whom the NCP tried to co-opt earlier. For Taha, signing a peace agreement was indeed an opportunity to increase his personal political capital. After the eviction of al-Turabi, who was the party's and the regime's *de facto* leader, there was more space for inter-personal competition among the party's top leaders.<sup>8</sup> Taha is said to have always had the ambition to inherit a leading status, and indeed was among the very few with strong influence in state politics. In terms of political skills he also had ascendancy over many of his contemporaries.<sup>9</sup>

fallout in 1999  
NCP in transformation from one leader rule to more intra-party contestation

His negotiation skills and his pragmatism largely explain the important concessions made on a few issues considered as "non-negotiable principles" for the Islamist regime when it took power in 1989, namely the unity of the state and Islamic law. It is important to mention that Taha was not only given full authority by the President to negotiate a deal with the SPLM/A but also designated to replace Ghazi S. al-Din, his predecessor in the nego-

8 In fact, after the eviction of al-Turabi there was a vacuum in the top leadership. Al-Beshir was kept as President rather as a sort of "a symbolic referee" among equal rivalries.

9 Since the establishment of the National Islamic Front (NIF) in 1985, Taha was Turabi's right hand. Al-Beshir was selected by the organisers of the *coup d'état* to act as the President, but he was never considered to be part of the core decision-makers until the Darfur crisis. For details on the centres of power behind the scene of the Sudanese regime, refer to Affendi 1995.

tiations, who was criticised because of his more “comprehensive” approach during the talks.<sup>10</sup>

This context goes a long way to explain why both parties were willing and at the same time required to reach an agreement. Since then, the evolution of this context, and the consequences for the Sudanese party leaders involved, has become more important. But before going into details of the implementation, the next section presents the major aspects of the CPA in terms of power-sharing.

## High Stakes: The CPA Power-Sharing Arrangements

The CPA is a very complex peace agreement, weaving together power- and wealth-sharing while also addressing issues of identity and territorial claims. What complicates the case further is that the major stake of wealth-sharing, the oil, happens to lie in the contested territories, which are claimed by the SPLM/A and are the theatre for serious confrontations between ethnic groups. The unique character of the agreement stems from the fact that it endorses the right to self-determination for the Southern Sudanese population.

This provision is part of the first and principal so-called Machakos protocol (one out of a total of six). After an interim period of six years (in 2011) the South has the right to choose between “confirming the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement or to vote for secession”.<sup>11</sup> At the same time the protocol encourages the two parties to “design and implement the Peace Agreement so as to make the unity of the Sudan an attractive option especially to the people of Southern Sudan”.<sup>12</sup> This arrangement is largely a compromise between the two currents of opinion existing within each of the two parties: unionists versus separatists, but also prevailed against the unwillingness of most of the international mediators to support the option of separation.

Even though there has been an increasing secessionist trend in the South since the 90s, the SPLM/A has not been a truly secessionist movement from the start. At that time, a more representative participation in the state’s institutions and regional autonomy for the Southern Sudan was al-

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10 Ghazi S. al-Din was against negotiating the agreement piece by piece and insisted on a holistic approach i.e negotiate all the aspects of the agreement together.

11 Article 2.5 of the Machakos Protocol signed at Machakos (Kenya), on 20 July 2002.

12 Article 1.5.5 of the Machakos Protocol.



ways the SPLM/A's dominant demand. The claim for self-determination surfaced in the early 90s after the accession to power of the Islamists. Even though Khartoum officially accepted the principle, this was not out of real commitment, but rather for its use as an instrument to co-opt factions of the SPLM/A. The NIF (see note 8) government was not by any means ready to compromise its hegemony over Sudan and its "civilisational project" for the entire country. It was at that time that the ideology and the mobilisation for the war in the name of Jihad was at its peak.<sup>13</sup>

The Machakos Protocol therefore represents a real concession on one of the hitherto non-negotiable principles for the NCP, *de facto* compromising on the unity of, or more accurately, on the hegemony over the whole territory. This is the most important element of the peace deal.

The right to self-determination is directly linked to another sensitive issue and a major stake for both parties: oil resources – Sudan's strategic wealth. Sudan's economy has for decades been an agricultural one but currently more than 75% of the national budget is coming from the oil sector. In addition, the oil industry is the major source of political influence of the NCP who also control the private companies operating in the sector.<sup>14</sup>

In terms of territorial changes, the three additional protocols on Abyei, South Kordofan and Blue Nile (the border regions) present a major shift from the situation in 2005. The most contentious aspect on Abyei was, and still is, its northern boundaries, and how to delineate and demarcate the areas of nine Dinka Ngok kingdoms transferred to Kordofan by the British colonial administration in 1905. Administered by Northern Sudan from then on (under Kordofan authorities) the area is considered a bridge between Northern and Southern Sudan. Because of its particularly historical status, the Abyei Protocol provides that residents of the Abyei area will participate in a separate referendum, to be held simultaneously with the Southern Sudan referendum in 2011. This will decide whether the Abyei area is to be administered by the provincial authorities of Southern Kordofan or Bahr El-Ghazal. According to the agreement, Abyei Boundaries Commission was to determine the border. This provision set the stage for a prolonged power play over this area during the first five years of the CPA implementation.

The other two border regions, Southern Kordofan and Blue Nile, are no less important to national politics and were the most affected provinces

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13 For the Islamists, the resolution of the conflict with the South was either through complete Islamisation or military victory. This ideology was explicitly expressed in many official NIF documents. It has disappeared from the party agenda after the signing of the CPA.

14 For the relations between the State and the private oil sector in Sudan, refer to Ahmed 2006.

during the war. Many of both regions' non-Arabised communities were attracted to Garang's ideology of "New Sudan" and, at some point, joined the SPLM/A. As a result, the SPLM has important political presence in both states, which is reflected in the CPA providing the SPLM with 45% of representation at the executive and legislative levels and a rotational governorship between the two parties during the interim period. With a large number of demobilised, unemployed soldiers from both sides (be it as part of militias or official armies), Southern Kordofan and Blue Nile will play a key role in maintaining stability between North and South.

In terms of political representation, the CPA's major accomplishment lies in its shake-up of the country's political and administrative system. The power-sharing arrangements included in the Power-Sharing Protocol provide a large degree of autonomy for Southern Sudan, similar to that enjoyed in confederacy with its own executive (the Government of Southern Sudan, GoSS) and legislature (the Southern Sudan Legislative Assembly, SSLA).<sup>15</sup> The territory of Sudan is restructured into 25 states, 10 in the South and 15 in the North. A power of veto on all national matters is also guaranteed to the First Vice-President, who is the leader of the SPLM/A.

veto  
power

Religion presents another major stake for the CPA signatories. Islam has always been the basis for political legitimacy, hegemony and access to the state leaders, even prior to Sudan's independence. The idea of establishing an Islamic state has always been the ultimate aim of the NCP, and the *raison d'être* of its predecessor the NIF.<sup>16</sup> The role of religion in the state, therefore, was one of the major stumbling blocks during the peace negotiations: the SPLM/A wanted a secular state and the NCP stood against an entirely secular state. The resulting compromise at Machakos (the principles of which were integrated into the Interim National Constitution) split the country once more. Islamic laws would apply only in the North and "popular consensus, the values and the customs of the people of Sudan" would be the source of the laws applicable in the South.<sup>17</sup> Although, Southern Sudan was exempted from Islamic law in the North under the 1998 Constitution, nevertheless this part of the agreement marked a radical (if mainly symbolic) change in Sudan: the country would officially no longer be associated exclusively with Islam. Khartoum, as the country's capital, would have its own special Commission for the Protection of the Rights of Non-Muslims.

15 The Power-Sharing Protocol (or Naivasha Protocol) was signed in Naivasha on 26 May 2004.

16 The major political parties, the Oumma Party and the Democratic Unionist Party also have a religious basis: the Sufi brotherhoods – who, in different degrees, also called for an Islamic social and political order.

17 See articles 3.2.3 of the Machakos Protocol.

However, when it comes to political representation, the CPA reveals its exclusive nature. Political power is shared mainly between the NCP and the SPLM, with only marginal representation of other political parties. The NCP gets 52% of the representation at the executive (national and state levels) and legislative bodies (the National Assembly and state assemblies) while the SPLM gets 28%. The other Northern and Southern political forces get 14% and 6% respectively at the national and state levels. Yet, this distribution will change in the medium term, based on a, yet to be done, national census. National elections would then be three years into the transitional period.

The gaps within the CPA protocols – partly necessary for reaching a compromise – continue to haunt the current implementation phase. The peace process has been marked by major delays and renewed negotiations, all of which have led to political consternation at various levels. More importantly however, these dynamics have created a new political reality for both parties and for the other political players in the Sudan, as we will see in the following section.

## Working Together: The Dynamics of a New Partnership

The nature of the political deal included in the CPA contributes much to shaping current relations between the two signatories, and more importantly: the quality of implementation. The right to self-determination, the accepted existence of the army of the SPLM (the SPLA), the guarantee of a wide political autonomy for Southern Sudan (even in the case of the Southern Sudan opting for unity) and the equal sharing of the oil resources, are important incentives for the SPLM to accept the agreement and to feel their fundamental political war claims secured. In turn, the NCP leadership is wary of a new power centre in the South and has little incentive to move fast on the CPA implementation agenda. Five years down the line, many of the CPA's most important provisions are far from being implemented, and time is running out before the referendum in 2011. Disarmament and demobilisation programmes are massively delayed, the elections have already been postponed twice, and many foresee a major challenge in preparing for the referendum within the time that is officially left until the end of the transition period. What is more significant, however, is that the interaction between the SPLM/A and the NCP both within and beyond the CPA institutions has gradually changed the way both signatories deal with each other. These power politics have resulted in a new partnership that has had a positive impact on the implementation of the deal itself, and on the transition process as a whole.

In order to understand how the implementation period created this new type of partnership, it is important to realise that the context of the CPA signing, as discussed earlier, has dramatically changed.

The two key figures Garang and Taha – who could have acted as guarantors of the agreement in times of new contestation – are no longer in the driving seat. The death of the SPLM leader, soon after signing the agreement, had a significant impact on the implementation, and on the relations between the two parties. Garang's death in August 2005 directly led to major changes in both parties' power structures.

With Garang gone, the unionist faction within the SPLM crumbled. Backed by a few intellectuals from Northern Sudan, it had been strong mainly because of strong leadership and Garang's ability to hold together an ethnically divided and politically factionalised SPLM. Behind a joint SPLM *façade*, many of the party's key leaders have always been secessionist more than unionist. This separatist section of the SPLM gained significant ground after his death. This is not to say that if Garang had lived, the unionist trend would have been stronger. In fact, relations within the party probably would have been more complex and internal power struggles more acute. On the other hand, relations with the NCP could have been more tense and confrontational given the strong personality of Garang, his political ambitions in the North and support from African communities of the North as well as his good relations with the Northern opposition parties. His project of "New Sudan" would have definitely encountered extreme resistance from all the conservative political forces in the North.

change  
within  
SPLM  
after  
death of  
Garang

Within the NCP, the death of Garang also led to a reshuffling of positions. Many among the party's top leadership had always been against the concessions given to the SPLM/A (particularly the army officers), and many were against the person of Taha. As a consequence, he was sidelined (although, he kept his position as Vice-President). His marginalisation became obvious when, in 2006, contrary to the position of his government, he took a conciliatory stance regarding the deployment of United Nations (UN) forces in Darfur after the failure of forces of the African Union Mission in Sudan (AMIS).

changes  
within  
NCP after  
death of  
Garang/  
demotion of  
Taha

Together with increasing pressure from the international community after the crisis in Darfur, the demise of Garang and Taha quickly led to greater prominence of (especially military) "hardliners" in the decision-making circles.<sup>18</sup> While this in turn led to major controversies and continuous mistrust between the two signatories, it also created mutual interests.

18 The architects of the 1989 military coup were in reality the top civilian leaders of the Islamist party. In their initial plan, the military junta had a temporary role, for the time needed to consolidate the party's power.

After all, the ultimate goal of the new SPLM leadership to establish a separate state is not incompatible with the ultimate aim of the NCP to rule in the North. This, in fact, allowed both parties to co-operate on various fronts. What Rothchild (1995) would have labeled as an evolution “from defection to cooperation”, the two belligerents found was common ground for joint action.

Indeed, this cooperation manifested itself partly through the new CPA institutions. Although many of the envisaged bodies are neither fully operational nor very efficient, some of them have, nevertheless, become an important factor in real confrontation. NCP and SPLM senior leadership figures have been using these for addressing outstanding issues through political compromise. Examples include the (transitional) Parliament, the Presidency, the Ceasefire Political Committee (CPC), the Ceasefire Joint Military Committee (CJMC), and the National Commission for the Revision of the Constitution (NCRC). In contrast to many other CPA bodies, these institutions function relatively well and they are spaces where we could see major issues resolved.

Even more interesting, however, are the bilateral (NCP/SPLM) bodies that have been created parallel to these CPA mechanisms as political arbitration bodies. Their function is to decide on controversial issues at a higher level. An important example is the joint High Political Executive Committee (HPEC), headed by Vice-President Taha and GoSS Vice-President Machar. This body has managed to overcome differences on key issues, such as the early deadlock over the Constitution for Southern Kordofan State, the contention over the Electoral Law and lately Abyei.<sup>19</sup>

additional trust building devises, but outside of PSA institutions

In terms of elections, both signatories have, as expressed in the agreement, shifted from their original stance. At the negotiation table, neither NCP nor SPLM were enthusiastic to include elections, but both had to acquiesce to the will of the mediators and accept the principle of transition to democracy. Since then, both parties have changed their priorities. In fact, it is of interest to both CPA partners to organise elections, particularly the NCP even though this process still poses many risks.

For the NCP, winning the elections would be the best response to the International Criminal Court’s campaign against its leader, President el-Beshir. Paradoxically, the indictment of the President has produced a reverse effect: arousing support for the President against what is seen by many as external interference. Indeed, the current mobilising campaign of the NCP is

ICC indictment with reverse effect

19 The State of Southern Kordofan adopted its constitution one year later than the other states.

based largely on supporting al-Beshir against what is considered as foreign intrusion.<sup>20</sup>

On the part of the SPLM, legitimacy has also become a high stake. After signing the peace agreement, the expectations of the Southern Sudanese were high. The failure of the SPLM to deliver a peace dividend to its people after four years of semi-autonomous rule has produced serious disillusionment in the South. Internal factionalism has dominated the party's leadership, and the domination of the Dinka ethnic group continues to be challenged by other ethnic communities. National elections therefore represent the best chance to validate the party's claim to political (and economic) power.

National elections scheduled for April 2010 therefore present a chance for both signatories to consolidate their power base, particularly when it comes to the presidential level: As the CPA guarantees the autonomous status of the South, irrespective of the election and referendum outcome, it is tempting for SPLM and NCP to place their leaders as the undisputed leaders of their respective territories.

more space  
for  
opposition  
parties  
within  
camps

Beyond the dynamics of relations between the two parties, the CPA has also caused significant transformation in the broader political arena. It has created more space for opposition political parties in both North and South Sudan. The SPLM and the opposition political parties have indeed managed to apply pressure for important changes to some of the restrictive laws. The lively debate in Parliament, in the NCRC that preceded the adoption of certain laws and, in a few cases, the overbidding of the SPLM, has resulted in obtaining important concessions from the NCP in regard to certain key legislations such as the Electoral Law, and the Media and Printed Press Law. The CPA has created an environment where the NCP, in spite of its majority in the Legislative Assembly, could hardly adopt legislations without a minimum of consent of the SPLM and of concurrent northern political parties.

## Conclusion

These preliminary observations do not mean that the CPA is a success story. The transitional period is not yet over and two of the agreement's key benchmarks are still outstanding (the elections and the referendum). Their impact on peace and on long-term democratic transformation remains un-

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20 This is not to say that all those who were against the indictment supported al-Beshir. Most of the reactions were against the ICC's (International Criminal Court) policy itself without necessarily being sympathisers of the President.

certain. At the same time, the underlying dynamics that have shaped discussions in Khartoum and beyond should be seen as an important sign of progress. Five years after its signature, the CPA has already served as a stepping stone to further peace making, leading to visible and symbolic positive transformations at the societal and the political levels. For the new generation both in the South and North, the CPA is the first real opportunity to establish a workable political partnership between former belligerents and across the national political spectrum after almost two decades of a totalitarian rule and civil war. And already it has become clear that the one inevitable outcome of the CPA's power-sharing arrangements is that Sudan can no longer be governed as before, i.e. exclusively by Northern political elites.

positive part-time evaluation

One of the key questions remains, whether there is enough commitment by both signatories to move ahead with a full implementation of the CPA. What can be said, however, is that the transitional arrangements have created a partnership, which has provided a space for interaction between the two parties. A relationship of compromises and political bargaining has developed as a result, helping them to achieve a common goal: to maintain political hegemony over their respective constituencies. Although other major political forces were excluded from the negotiations and have negligible representation in the new institutional setup, the agreement has created room for more political and societal contestation.

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## Das Umfassende Friedensabkommen im Sudan und die Dynamik politischer Partnerschaft in der Nachkriegsphase

**Zusammenfassung:** Untersuchungen zu Friedensvereinbarungen kommen zumeist zu dem Schluss, dass die enthaltenen Machtteilungsklauseln einer langfristigen demokratischen Transformation abträglich sind. Als wichtigstes Argument wird dabei angeführt, dass Friedensvereinbarungen vor allem die Position der unterzeichnenden Partner stärken – zum Schaden anderer bedeutender politischer Kräfte. Der vorliegende Beitrag zeigt auf, dass – im Gegensatz zu vielen anderen Fällen – das Umfassende Friedensabkommen (Comprehensive Peace Agreement, CPA), das 2005 von der Regierung des Sudan, repräsentiert durch die Regierungspartei National Congress Party (NCP) und die Sudan People's Liberation Movement/Army (SPLM/A), unterzeichnet wurde, zu einem erheblichen Wandel sowohl der staatlichen Strukturen als auch der politischen Herrschaftsbeziehungen geführt hat. Obwohl das Abkommen zur Legitimierung von SPLM und NCP beitrug und ihre politische Machtposition stärkte, trug es nichtsdestotrotz auch zu einer signifikanten Öffnung für andere politische Kräfte im Norden und Süden bei. Es führte zudem zur Beendigung der historisch verankerten exklusiven politischen Hegemonie des Nordens. Der Artikel richtet den Blick auf die Dynamik der Beziehungen zwischen SPLM und NCP in der Übergangsperiode und zeigt auf, inwieweit diese Dynamik den politischen Transformationsprozess beeinflusste.

**Schlagwörter:** Sudan; Innenpolitik; Konfliktlösung; Machtteilung