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Lovise Aalen ^a

^a Chr. Michelsen Institute in Bergen , Norway
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Making Unity Unattractive: The Conflicting Aims of Sudan's Comprehensive Peace Agreement

LOVISE AALEN

As pointed out by Roeder and Rothchild (P. G. Roeder and D. Rothchild (eds), Sustainable Peace: Power and Democracy after Civil Wars (New York: Cornell University Press 2005)), a crucial dilemma in post-war power-sharing arrangements is that the very same institutions that provide an attractive basis for ending a conflict are likely to hinder the consolidation of peace and democracy in the long term. The 2005 Comprehensive Peace Agreement (CPA) was the major reason for ending Sudan's North–South civil war – for 'winning the war' – but did also create the conditions for 'losing the peace'? This article looks at the power-sharing arrangements of the CPA and its impact on the conditions from peace and democracy in Sudan in the interim period prior to the referendum on southern independence. Through analyses of its formal institutional frames, its implementation, and the major stakeholders' perceptions, it becomes clear that the power sharing did not 'make unity attractive', as initially anticipated, but was in fact one of the factors contributing to the separation of Sudan in 2011.

INTRODUCTION

The signing of the Comprehensive Peace Agreement (CPA) in 2005 marked the end of Sudan's two-decade long civil war between the Sudan People's Liberation Movement/Army (SPLM/A)¹ and the northern-based government of the National Congress Party (NCP). Its intentions included not only an end to hostilities but also the start of a democratisation process, with the aim of establishing a more stable, sustainable and united Sudan. Should this fail, Southern Sudan was given the right to hold a referendum on becoming a separate state at the end of the interim period.

When the CPA was signed in 2005, there were still expressions of faith in a genuine transformation process but these hopes soon faded. Although the agreement never broke down and major protocols have been implemented, the population on the ground in both North and South Sudan have continued to experience insecurity and violence. Clashes have taken place between the two CPA-partners in Malakal and Abyei. Meanwhile inter-ethnic violence in Southern Sudan and the on-going conflict in Darfur have resulted in hundreds of thousands of deaths and widespread

civilian displacement. Elections were held in May 2010, but the polls sustained rather than challenged the dominant positions of the two CPA-partners in their respective parts of the country. After the southern Sudanese voted almost unanimously for secession in January 2011 and in the run up to the declaration of southern independence in July 2011, clashes between the Sudan Armed Forces (SAF) and rebel groups have occurred along the North–South border in southern Kordofan, Abyei and Blue Nile. Without the CPA, it is likely that a fully fledged North–South war would still be ravaging the country. It is thus clear that Sudan would be worse off without the 2005 peace deal. However, for substantial parts of the Sudanese population, the CPA has brought neither peace, nor unity or democracy.

The main argument of this article is that the CPA failed in providing sustainable peace and democracy not only because of the lack of implementation of the deal, but because of the contradictory content of the CPA. This is due to the incompatible aims of the agreement: that of making an immediate end to an armed conflict and that of democratisation. As pointed out in the power-sharing literature,² but largely ignored in the concrete analyses of the Sudanese CPA, this is the main dilemma of post-war settlements. In order to stop the war, former foes have to get guarantees to prevent them from resuming violence. But such a deal, by its very nature, is likely to monopolise the power of the signatories and narrow the agenda to issues only relevant to the former foes; thereby obstructing the overall aim of democratisation. This in turn may inhibit the peace deal's ability to mediate the fundamental causes of the conflict. In Sudan, democratisation was optimistically seen as a guarantee and condition for the country staying together, a bulwark against secession and a solution to the root causes of war for the whole of Sudan. But democratisation was precluded because of the cemented positions of the belligerents in the power-sharing deal and the relatively narrow agenda of the CPA. The simmering conflict in Darfur and the escalation of violence in southern Kordofan, Abyei and Blue Nile are stark reminders of CPA's exclusive bilateral base. The exclusion of these regions from the North–South peace talks is likely to continue to produce violence in the future. Ultimately, these conflicts are destabilising the relationship between the North and the South, thus endangering the fragile peace that the 2005 agreement created. The CPA is therefore a very good example of the inherent paradoxes of power sharing, where the aim of an immediate end to hostilities prevents longer term democratisation and sustainable peace.

This contribution addresses the fact that the CPA process unsuccessfully attempted to combine two types of power-sharing arrangements: one aiming at ending the war, while the other intending to introduce long lasting political reform and democratisation. By analysing the processes around the negotiations and implementations of the Machakos Protocol³ and the Power-Sharing Protocol,⁴ it focuses on the political aspects of power sharing, while issues relating to resources and security – as outlined in the Wealth Sharing⁵ and Security Protocols⁶ of the CPA – are defined as outside the scope of this enquiry. The findings presented here draw on fieldwork that took place in Khartoum in 2009 combined with studies of secondary literature as well archival material in the form of proclamations, media reports and 'grey literature' (reports/evaluations). Over 30 interviews were carried

out by the author with politicians, bureaucrats, journalists and leaders of non-governmental organisations, who were all involved in or had informed opinions about the background and implementation of the CPA. Although limited to the elite of educated and informed individuals, the selection of interviewees includes representatives of both southern and northern parties, and of government and opposition forces.

The first section of the article, which draws on examples from the power-sharing literature and from the Sudan case, demonstrates how the exclusive nature of power-sharing deals can preclude democratisation. The second part analyses the impact of military deadlock and international pressure on the foes' willingness to commit to peace talks rather than continuing the armed struggle. It points out how the combination of these two factors also contributed to a lack of trust between the two parties and, as a result, undermined the legitimacy of the deal. The third section proceeds with an analysis of the structure and functioning of the power-sharing government between the SPLM and the NCP after 2005. Through the establishment of the Government of National Unity (GoNU), the former foes' positions were fortified in the post-war era. The power sharing efficiently secured their power and resources until elections were held. This made it impossible for other political parties to challenge their positions, ultimately enabling the incumbents to consolidate their positions at the 2010 national elections. Due to the fundamental lack of trust between the parties of the GoNU, the power-sharing arrangement did little to contribute to a national reconciliation after the war, which was one of the key aims of the CPA. Instead, the disappointment and disillusionment at the lack of cooperation within the GoNU, particularly from the SPLM's perspective, fuelled the demand and desire for a partition of Sudan.

THE POWER-SHARING DILEMMA: HOW TO END A WAR WITHOUT PRECLUDING DEMOCRATISATION

The Sudanese case is in stark contrast to the ideals of power sharing, as the constitutional engineers of political science described it in the 1970s and 1980s. The idea of power sharing is associated with Arent Lijphart's theory of consociationalism. Lijphart argued that countries with multi-ethnic or multi-religious populations should be governed by grand coalitions and elite cooperation, instead of majority-based representation. This would facilitate stability and democracy, and prevent inter-group conflicts.⁷ More recently, however, Jarstad⁸ has argued that there is a conceptual confusion about power sharing in the current literature. Jarstad identifies two different understandings of the concept. The first focuses on conflict resolution, where power sharing is a means of ending violence and war. The second is linked to democracy theory, where power sharing is a way of achieving democratisation. As demonstrated by several studies of post-war states, simultaneous conflict resolution and democratisation are in many cases impossible to carry out.⁹ In ending conflict, democratic principles of representation and accountability are sacrificed as the process of democratic elections may challenge

the peaceful coexistence between competing political forces.¹⁰ In spite of this, however, many power-sharing deals, such as those in Bosnia–Herzegovina, Burundi, Lebanon and Afghanistan¹¹ and in the Sudanese CPA, combine the dual aims of conflict resolution and democratisation.

A general critique of power-sharing arrangements between former foes is that they are often exclusive.¹² In most cases, they include only a few negotiators and signatories, and thereby lack the broader participation of the citizenry. In this way, power sharing serves the interests of the elites rather than the population, and thus ignores local level security concerns and the underlying causes of conflict. Of course the dilemma is that inviting more political parties to the negotiations may result in no agreement at all. A power-sharing agreement must give enough rewards to the warring parties to prevent them from going back to war, rewards that are not necessarily in accordance with democratic principles. A strong party is likely to be reluctant to accept a peace deal if many parties are involved or if all parties are rendered equal powers. In many cases, therefore, the elites that end up being part of the final agreement have not been involved in competition for power and the ex-combatants can compromise with each other without the involvement of an electorate.

One of the primary concerns about the CPA was always its exclusiveness, as the two signatories, the NCP and the SPLM, represented only a minority of the Sudanese population.¹³ By limiting the negotiations to these two parties, the CPA failed to recognise that Sudan's multiple conflicts were not only the result of disagreements between a northern and southern elite but were also the product of uneven development between the centre and the country's marginalised peripheries, as well as racial and religious antagonisms stemming from the policies of Islamisation and Arabisation pursued by successive Khartoum governments.¹⁴ Wider participation during the negotiations may have helped to resolve Sudan's countrywide problems, and thereby increased the legitimacy and representativeness of the agreement.

The great dilemma in the CPA-process, as in most other post-war power-sharing negotiations, is nevertheless that wider inclusion might have led to no agreement at all. Various more inclusive negotiation initiatives failed during the 1990s. These included both the northern opposition in the National Democratic Alliance (NDA) [in the first Inter-Governmental Authority on Development (IGAD) initiative of 1994 and in the Joint Libyan and Egyptian Initiative] and the southern opposition with various SPLM-splinter groups (in the Fashoda and Khartoum Agreements of 1997). None of these initiatives led to the end of hostilities or any agreement between the main protagonists on crucial issues. When the SPLM and NCP finally decided to sit down together in Machakos in 2002, none of the two were willing to include other political parties in the process. The NDA, a loose coalition of northern-based opposition parties, was one of the parties which could have been included. Dominated by the two oldest political parties in northern Sudan, the Umma Party and Democratic Unionist Party (DUP), the NDA was established in 1989 with the aim of toppling the Islamist regime. It worked closely with the SPLM, and at some

point the southern insurgents also became a member of the alliance itself. According to Young, both regarded the possible inclusion of the NDA as a threat to their own positions and feared being marginalised should the NDA opt to align itself with one side or the other.¹⁵ The SPLM, although having agreed with the NDA on the Asmara Declaration in 1995,¹⁶ was not convinced that the Umma Party and DUP would stand by their previous commitment to support southern self-determination.¹⁷ Frafjord Johnson, in her insider's account of the international side of the negotiations, recalls that the two parties did not fear being marginalised by NDA, but were first of all concerned that including one more partner would complicate the matters, making it impossible to reach a deal at all.¹⁸ The international community, through the IGAD (consisting of Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda) and the USA, Norway and the UK, referred to as the 'Troika', also supported a bilateral approach. They considered NDA to be comparatively weak, rejecting to recognise it as a natural or necessary partner in the negotiations.

The NDA has in retrospect blamed the international push for the narrow participation and agenda as one of the reasons for the CPA-failure.

From the beginning, we said that the CPA is necessary, but not sufficient. It can stop the war, but it is not inclusive enough to bring peace. It does not address the North–North and South–South conflicts. It was the failure of the international community not to address these false assumptions of creating peace. (Sadiq al-Mahdi, Umma party leader and former Prime Minister, interviewed in Khartoum, October 2009)

One cannot, however, assume that NDA's participation in the negotiations would necessarily have changed the outcome of the peace process. The Umma Party and DUP, which had been part of two Sudanese governments before the NIF took power in 1989, had demonstrated little or no will to accommodate southern political concerns, and attacks by government forces in the South were particularly harsh during the last reign of Sadiq al-Mahdi (1986–89).¹⁹ Additionally, the two parties have gradually been deprived of their strong position in Sudanese politics. They have continued to rely on a shrinking traditional sectarian political base. Both have lost substantial parts of the central northern constituency to the Islamists since the end of the 1980s and in the peripheries of the North, regional movements, such as the Darfur and the Eastern insurgents, have co-opted elements of what have historically been Umma Party constituencies. Due to their declining support base and their controversial political legacy, their actual capacity to influence the negotiations and the implementation of the CPA positively may be questioned.

Aside from the NDA's possible role, it is undisputed that the international community's desire to end the North–South conflict as swiftly as possible meant that the democratic inclusiveness in the peace negotiations and their aftermath was reduced. Although some civil society organisations took part in a dialogue programme leading up to the negotiations, representatives of the media and non-governmental organisations were barred from the actual talks and had no way of influencing the final outcome. Ultimately, by keeping the CPA negotiations

bilateral, it was easier to provide enough rewards to the warring parties to prevent them from going back to war. Not only would the implementation of the agreement depend on the NCP and the SPLM, but both parties regarded the exclusive nature of the accord as a means of securing their power once the deal was signed. After the signing of the Machakos Protocol, the talks increasingly relied on the two parties' leading figures: John Garang – Commander-in-Chief of the SPLM – and the NCP's Ali Osman Taha – the then Vice-President. This happened with the blessing of the international community, who saw direct personal talks as the best way of reaching an agreement.²⁰ What they did not foresee at that time, however, was that the reliance on leading personalities would severely weaken the CPA after its signing, particularly after Garang's death in 2005.²¹

Contrary to both parties' determination to exclude other political groups from the peace process, they paradoxically agreed in Machakos on the principle of power sharing as a way of democratisation. While the talks were exclusive, the Machakos Protocol underscored that the peace process could only achieve legitimacy and be sustained if the country underwent a democratic transformation. The Power-Sharing Protocol of 2004, which gives the details of institutional organisation during the 6-year interim period including the holding of democratic elections, exhibits this contradiction. This protocol provided for the establishment of an interim constitution, power sharing at the central government level with the formation of the GoNU and the creation of a separate Government of Southern Sudan (GoSS). But it also secured in practice the select representation of the two belligerents in the new post-war government, making it difficult for other groups to gain influence. In the legislature of Southern Sudan the SPLM was allocated 70 per cent of the seats, while 15 per cent was reserved for the NCP and 15 per cent to other southern political parties. At the national level the SPLM was awarded the position of first vice president and 28 per cent of the seats in the national National Assembly, while NCP was allocated the positions of president and second vice president and 52 per cent of the seats in the National Assembly, with the remaining 20 per cent of the seats given to other political parties.

The establishment of the GoNU gave the former foes new institutional and political weapons to fight for positions and resources, and, as in the power-sharing arrangements of the Lebanese Ta'if Accord of 1989, it ended up enlarging and sustaining the power of the ex-combatants.²² In theory, the holding of elections can decrease the monopolising effects of power sharing. This may also have been the aim of the CPA's international guarantors. It was hoped that Sudan's 2010 national elections (originally scheduled for 2008) would broaden the peace process and thereby provide the agreement with a popular mandate. As pointed out by Jarstad, however, the consolidation of the warring parties' positions as part of the power-sharing arrangements can make it impossible for the opposition to challenge the incumbents in transitional elections. Even if a government decides to open up the political space, the opposition often lags behind due to the lack of resources. This uneven start for parties can undermine the long-term prospects for multiparty democracy.²³ This is clearly seen in the arrangement of post-war elections in Sudan.

As is detailed below, the first post-war elections in Sudan were postponed until the end of the interim period, at a time when the ruling parties were well positioned to win the polls and where the opposition had neither the resources nor the political space to challenge the incumbents. This points back to the incompatible aims of the CPA seeking both to bring about an immediate end to the armed conflict and to deliver democratisation.

WHY FOES DECIDE TO TALK: MILITARY DEADLOCK AND INTERNATIONAL PRESSURE

Another fundamental challenge with post-war power-sharing deals, which the Sudanese case also exhibits, is that such agreements are by nature inviting insincere commitment in the initiation phase. As Spears has pointed out, parties may prefer to join power-sharing arrangements only as a part of a strategy to augment military and political power in order to defeat adversaries rather than to make peace with them.²⁴ This is particularly the case where there is no clear victor. If the parties are militarily too weak to win the conflict, they have everything to gain from power sharing, even if their aim is neither democracy nor peace. The negotiations at Machakos in 2002 were only possible because of a military deadlock in the North–South war. Neither of the sides was able to defeat each other after years of fighting and the two had thus little to lose from a peace deal. Additionally, the NCP had become increasingly weary of international isolation. After 9/11 the NCP demonstrated a willingness to co-operate with the USA in the ‘war on terror’ fearing that to do otherwise might encourage the Bush administration to renew the policy of regime change which had been pursued by the Clinton administration during the 1990s. Showing some positive moves towards the SPLM was seen as a way to avoid this, and would thus possibly be rewarded with an easing of US imposed international sanctions against the regime.²⁵ The SPLM was internally divided, weakened by on-going intra-South violence, and therefore unable to make substantial military gains against its northern enemy.

The fact that both sides continued fighting after meeting at the negotiation table in 2002 shows that they had not abandoned the thought of defeating the adversary militarily, or at least that military means was thought an important additional measure to put force behind their demands in the negotiations. Just months after the Machakos Protocol was signed, the SPLM took the strategically important town of Torit in Southern Sudan and held it for a month’s time before it was recaptured by government forces. This led to a temporary NCP withdrawal from the talks. Smaller skirmishes continued following the official cessation of hostilities, particularly in areas around the oil fields in the Western Upper Nile. A serious side effect of these armed confrontations was that the partners did not trust each other’s commitment and motivations for making peace. Young reports that the SPLM negotiators said that ‘all the protocols were signed in bad faith’ while a Government of Sudan negotiator uttered that ‘there was no real democratic conviction on either side’.²⁶

As pointed out by Barbara Walters, it is generally difficult to enforce power-sharing arrangements without an external enforcer.²⁷ In Sudan, as in Afghanistan and Bosnia, the international community used both carrot and the stick in efforts to make belligerents commit to such agreements.²⁸ The IGAD had unsuccessfully attempted to start the peace process in 1994, and became the main facilitator when the talks started again in 2002. The IGAD team, led by the Kenyan General Lazarus Sumbeiywo, kept close contact with a group of diplomats from Western countries, called the friends of IGAD, or the Troika, including the USA, United Kingdom and Norway. It has been argued that too much of the input in the Sudanese negotiations came from the international community, both in terms of the content of the protocols and the pressure to sign. Brosche describes this process as power mediation rather than a locally driven process.²⁹ Frafjord Johnson points out that while crucial inputs came from the NCP and the SPLM, internal disagreements between the two parties encouraged the international mediators to play a greater role. Due to a general mistrust in his opponents, the SPLM leader Garang also favoured a strong international role.³⁰

Sudanese educated elites, particularly those outside the SPLM and NCP circles who had no say in the negotiations, have been using the strong international role as way of discrediting the whole deal. Many have argued that the prominent role of the international community in the negotiations created international dependence; thereby undermining the deal's legitimacy and obstructing the chances of democratic transformation. Sadiq al-Mahdi, the former prime minister and long-time leader of the Umma Party, argues along these lines:

The CPA lacks legitimacy. Because it was internationally mediated, there are many ambiguities, which become bones of contention. [...] The CPA should either have involved more parties – or been presented to an elected assembly for endorsement. (Sadiq al-Mahdi, Umma party leader, interviewed in Khartoum, October 2009)

The international pressure that was exerted upon the parties has also been used by the parties themselves to explain or excuse the failure to fully implement the CPA. For example, Ghazi Salahuddin Atabani, who led the NCP delegation at the negotiations until Ali Osman Taha took over, stated:

Today people agree that Naivasha did not bring peace. So why should we stick to it? Had it not been for the US pressure, it would have collapsed. [...]. The CPA deal was forced upon us, and now we have neither peace nor democracy. (Ghazi Salahuddin Atabani, adviser to the president on peace affairs, interviewed in Khartoum, October 2009)

The international pressure in the Sudanese case was nevertheless not coherent, but represented different types of interests, which changed over time. This ultimately reduced the efficiency of external demands. The Troika, led by the USA, promised to contribute with aid and security guarantees if they signed an agreement, and if they declined, the regime would be met with more international sanctions. But US

interests in Sudan were indeed diverse and changeable. The USA had supported the SPLM and the NDA since 1995, seeing Garang as a 'heroic African liberator' and as a bulwark to the Islamist threat of the Sudanese government.³¹ But this changed under the administration of President Bush junior. While the Clinton regime had worked for regime change in Khartoum, the Bush administration made a truce with the NCP in 'the war on terror' after 9/11. Still, major Christian Conservative interests in the USA, which were important part of Bush's constituency, maintained close ties with the SPLM leader. The IGAD members Ethiopia and Eritrea had originally special bonds to the NCP, as the Sudanese government had been crucial in supporting the current Ethiopian and Eritrean rulers when they were fighting a guerrilla war against the Ethiopian Derg regime prior to 1991. From 1995, however, the Ethiopian People's Revolutionary Democratic Front was giving military and logistical aid to the SPLM against the Islamists, spurred by the alleged support from the Sudanese government in an assassination attempt of the Egyptian president, Hosni Mubarak, in Addis Ababa the same year. The Eritreans were active in supporting the various northern regional movements, particularly those in Darfur and in the East. Uganda had its own geopolitical interests in keeping Southern Sudan within its sphere of influence, and therefore maintained close links to the southern insurgent. These divergent types of interests within the international community made it difficult for them to speak with one voice, something the two partners could exploit. As a result, the claim that the CPA process was simply a result of power mediation from the international community appears unfounded. Rather, it is more likely that the combination of military deadlock and variable international pressure was the decisive factor for the deal. But this combination contributed also to the image of the deal as illegitimate among its critics and to a culture of distrust between the partners. Experiences from previous power sharing elsewhere show that when parties sign a peace deal because of fear of international isolation or out of a military deadlock, there will be lack of both local ownership to the agreement and genuine commitment from the parties.³²

Another factor that contributed to the undermining of trust was that the CPA-talks incorporated partners who had fundamentally different political cultures, organisation and ideologies. Similar to the bilateral post-war negotiations in Angola and Mozambique, the two partners' whole existence in the past was conditioned on the basis of their opposition to what would become their power-sharing partner.³³ In addition to the continuing armed confrontations during the negotiations, this constituted an obvious obstacle to trust building and constructive power sharing. Statements from stakeholders in the GoNU confirm that the implementation of the CPA has been severely hampered by a lack of trust and respect between the two parties. Missing trust gave rise to mutual accusations, suspicion and conspiracy theories. This was most clearly expressed by the SPLM members of the GoNU. Their accusations against the NCP were often straightforward and blunt, like the statement from Atem Garang D. Dekuek, the SPLM deputy speaker of the national parliament:

The NCP is secessionist. They don't want to say it, because then they would lose some of their constituency. But what they want to do is to implement a Taliban system in the North. (Atem Garang D. Dekuek, interviewed in Khartoum, October 2009)

The view of NCP as a northern separatist group seems very far from the ideas of national reconciliation and attractive unity that was agreed upon by the parties in 2005. Still, the lack of cooperation and communication between the parties nurture such views also outside SPLM circles. Observers from the civil society in Khartoum questioned the NCP's sincerity:

What matters are the essence and the spirit of the CPA. We have to ask if the NCP is a reliable partner in a democratic transformation. Are they really behind unity? There is a strong part of the NCP who wants northern secession. [...] Some Islamists think that separation of the South would give a pure Islamist state. (Haydar Ibrahim Ali, Director, Sudanese Studies Centre, Khartoum, October 2009)

The cooperation between the two was also characterised by a disregard and sometimes disrespect for each other as partners. The SPLM ministers of the GoNU would disqualify NCP ministers by pointing at their narrow political ambitions as Arab Islamists, while the NCP ministers would characterise the SPLM members of cabinet as guerrilla fighters in suits:

I can understand their [SPLM's] psychology. They are a resistance movement – so they must complain. They lack expertise and suffer under the complex of always feeling disadvantageous. Some of the ministers are very qualified and intelligent. But being one individual within an organisation, it is of course the mentality of the organisation that prevail. (Amin Hassen Umer, NCP State Minister of Sport and Culture, interviewed in Khartoum, October 2009)

Machakos in 2002 included a key compromise, which has determined the whole CPA-process. The bottom line in the negotiations was that if the NCP could not accept SPLM's claim for a secular North Sudan, then SPLM should get the right to autonomy and finally referendum on southern secession. It was eventually agreed that the North should be governed by Islamic laws, while the South was given the option of independence through a referendum at the end of a 6-year interim period.

While many argue that the successful part of the peace process is mainly due to the guarantee of regional autonomy for Southern Sudan,³⁴ it is also evident that the inclusion of the exit option for the South reduced the level of trust and commitment between the parties. This is a paradox, since it is likely that there would have been no agreement at all if the exit option was excluded. The Sudan People's Liberation Army (SPLA) was the junior partner in the negotiations but had territorial control of important parts of the South, and with a secession, they would control most of the oil rich areas. Territorial control over resource rich areas naturally increases the reluctance to join power sharing and maintain unity.³⁵ A guaranteed exit option

seems therefore to have been a precondition for them to join.³⁶ Garang originally had a strong national approach to the peace talks, advocating for a secular, united and democratic 'New Sudan', which addressed the grievances of all marginalised groups. But the pressure from internal splits within the SPLM, and challenges to his personal leadership forced him to accept the referendum on southern secession as an exit clause. This has led parts of the southern opposition, here represented by one of John Garang's harshest critics, to claim that the New Sudan policy was shot down with the CPA itself:

With the signing of the Machakos Protocol in 2002, the secularism in the North was traded away by getting self-determination for the South. With this, the whole New Sudan policy was traded off. (Lam Akol, chair SPLM-DC, interviewed in Khartoum, October 2009)

John Garang's death in a helicopter crash in 2005 was the final blow to the unity faction within the SPLM. As the new leader Salva Kiir unofficially supported the idea of an independent South, no major southern politicians were any longer committed to a 'new, united Sudan'. In the practical implementation of the CPA, the possibility of southern independence undermined the parties' agreed efforts to reconcile and make unity attractive. It made the NCP delay the application of major protocols of the CPA because they were convinced that the South would vote for secession. This created a negatively enforcing reaction from the SPLA: the delayed implementation made the SPLM less likely to see unity as attractive and made them less willing to give priority to national issues before issues confined to their own part of the country.³⁷ The power politics and selective CPA-implementation of the NCP, together with the death of Garang, made it easier for the secessionists within the party to gain ground, ultimately 'cost[ing] Sudan yet another opportunity to create a durable peace and a last chance to maintain unity'.³⁸

IMPLEMENTATION, OUTPUTS AND PERCEPTIONS OF THE CPA

In the efforts to end the war between the SPLM and the northern government, some inevitable compromises had to be struck, which ultimately had consequences for the democratic potential of the deal. To make the two belligerents commit, other political parties and civil society were excluded from the peace talks, while international pressure and the military clashes along with the negotiations undermined the legitimacy of the CPA. The different cultures of the SPLM and the NCP, together with SPLM's ambiguous stand on Sudanese unity, contributed also to a lack of trust between the parties. Still, it was agreed that these two should sit together in a power-sharing government, GoNU, be responsible for reconciliation after the long war, and introduce democratic reform through elections. The compromises and paradoxes indicated thus that although the deal was signed, the most demanding job remained to be done. Additionally – as lessons from the Lebanese and other post-war power-sharing arrangements around the world demonstrate – when power-sharing deals are being implemented the incentives for

gaining political power changes: from inclusion and peace in the immediate post-war period to maintaining political power and control in the longer term.³⁹ This, as we will see, is also applicable to the Sudanese case.

Since 2005, the implementation of the CPA was delayed and fundamental aspects of the peace deal remained to be implemented. Reforms of the security sector and reorganisation of the armies into joint forces faced serious obstacles. The SAF was due to leave the South by 2007 but this did not happen until April 2009. Another fundamental aspect was the demarcation of the North-South border and the decision on the status of Abyei, an oil rich area on the border between the South and the North. Although it was agreed that in the event of southern secession Sudan would be divided according to the 1956 North-South border, this has yet to be delineated. Abyei has a population which largely identifies with the cause of the SPLM and many of the inhabitants fought for the SPLA in the civil war. The CPA included a protocol for Abyei,⁴⁰ which states that a separate referendum to determine if the area is to remain in the North or become part of the South should be held in January 2011. However, the referendum never took place.⁴¹ Military confrontations between SPLM forces and the SAF have occurred several times in Abyei during the transitional period and in the run up to South Sudan's secession in July 2011. SAF's occupation of the area in 2007 led the SPLM to temporarily withdraw from the GoNU. In the latest clashes of 2011, it was apparent that the northern regime wanted to use the occupation of Abyei town as leverage to gain concessions on water, land and oil in the wake of southern secession.⁴² Contrary to the stipulations of the CPA, President Bashir stated that Abyei is northern land, and that the northern regime 'will not withdraw from it'.⁴³ In the aftermath of the secession, conflict spread to two other areas in the borderland between North and South: southern Kordofan and Blue Nile. These areas were also defined as special administrative areas in the CPA, but were given a more limited right to decide their future status than Abyei, through 'popular consultations' instead of a referendum.⁴⁴ They should remain part of northern Sudan, but could through the popular consultation renegotiate their status within the state. This has not prevented the northern regime from attacking the civilian population in southern Kordofan and Blue Nile again, leaving the areas in a state of civil war.⁴⁵

Another clear breach of the CPA was the delay in holding the national elections. The polls were postponed three times, originally scheduled for 2008, then July 2009, then February and finally April 2010. The postponements were caused by the inability of the government to conduct a new national census in time, which should have been the basis for creating constituencies and deciding the numbers of seats in parliament for the different parts of the country, and delays in ratifying the necessary election legislation. The popular census results were made public by mid-2008, but have remained contested ever since, particularly by the SPLM and the insurgents in Darfur. The electoral law was finally ratified by mid-2009, and this allowed the National Electoral Commission to make a delayed start to its preparations for the polls, which took place just 9 months before the referendum on southern independence.⁴⁶

Even before the CPA, opposition parties and civil society organisations struggled to operate in Sudan as a result of the NCP's efforts to curb political freedoms. So the power sharing of the CPA contributed to an already aggravated situation. Despite internal division between hardliners and moderates, the NCP was far better organised than the other political parties in the north before and during the CPA.⁴⁷ It had the support of the northern business community, it was able to direct state resources for its own purposes and it made party membership a condition for higher appointments in the state apparatus (Professor Tayeb Zeinabedin, interviewed in Khartoum, October 2009). The intelligence system, which was in the hands of the Islamists continued to censor newspapers and arbitrarily arresting and detaining people.⁴⁸ The traditionally strong opposition parties in the North – the Communist Party of Sudan, the DUP and Umma Party – were on the other hand weakly organised, prone to internal splits, lacked party discipline and its members were to a large degree prone to co-optation by the NCP. Both the Umma Party and the DUP were factioned along personal or ethnic/regional lines, with some factions having joined the NCP's national unity government.

In May 2009, the northern opposition parties allied through the National Alliance and decided to take part in the upcoming elections together with one presidential candidate against NCP's Omar al-Bashir. This was clearly a tactical alliance, where no common ideology or programme was presented. In September 2009, the alliance was joined by the SPLM in the All Party Conference in Juba. The conference presented a common communiqué where the commitment to the implementation of the CPA was confirmed, and demands were made that crucial laws should be passed or amended by the NCP majority in parliament before the elections. A common presidential candidate was discussed, and later the Umma party leader Sadiq al-Mahdi was proposed, but no official declaration was made. The fact that the SPLM, the largest and most powerful party of the alliance, was not forwarding a national presidential candidate indicated that the SPLM did not see the competition for the national presidency as important, and that politics on the national arena were their second priority. It seems therefore likely that they joined the All Party Conference in order to put more pressure on the NCP to keep their promises of the CPA on self-determination. The SPLM's strong position in the south and in the conference pushed also southern opposition parties out of the coalition. One of the traditional northern parties, the DUP, decided to stay outside the coalition, thereby further weakening the alliance ahead of the 2010 polls.

In the peripheries of the north, however, NCP's policy of co-opting the opponents did not happen as peacefully and efficiently as in the centre. Since the 1990s, political movements had been rising in the western region of Darfur⁴⁹ and in the East.⁵⁰ Darfurian and eastern groups mobilised against marginalisation and underdevelopment and sought larger influence at national level.⁵¹ After an explosion of violence in Darfur in 2003–04, peace agreements were signed for both the East and Darfur in 2006. The Eastern Sudan Peace Agreement led to an efficient ceasefire, greatly assisted by the withdrawal of Eritrean armed support to the rebels.⁵² The Darfur Peace Agreement included only one faction in one of the two

rebel movements, the Sudan Liberation Army (SLA) led by Minni Minnawi, and did not lead to a cessation of hostilities in the region.⁵³ While military confrontations continued in Darfur, the government has, since 2007, run on and off negotiations with the rebels in Doha, Qatar. In 2008 the International Criminal Court (ICC) demanded that President Omar al Bashir stand trial for genocide because of crimes committed by the government and government supported militias in Darfur. Apart from the hundreds of thousands of internally displaced and the massive numbers of people killed in Darfur, the perpetuation of the conflict is a strong illustration of NCP's unwillingness and inability to create an inclusive and democratic government in northern Sudan in the CPA implementation period.⁵⁴

In the South, the SPLM was unwilling to open up the political space for opposition parties and inappropriate party and personal use of state resources and positions is rampant.⁵⁵ The party was unsuccessful in transition from a guerrilla movement to a fully fledged political party, and decision making continued to be extremely centralised.⁵⁶ There are fundamental divisions along ethnic lines, the main one between the Dinka (SPLM) and the Nuer (various SPLA-factions), and between Dinka and smaller Equatorial groups, who see the SPLA as a vehicle for Dinka domination. These conflicts are reflected in conflicts over land distribution, where the Dinka in many places have settled on land claimed by returning refugees – this is particularly evident in Equatoria.⁵⁷ The Juba Declaration on Unity and Integration between the SPLM and the South Sudan Defence Forces (SSDF) was an important step to reconcile some of the conflicts in the south.⁵⁸ By this declaration, the SSDF, a collection of militias which had been allied with Khartoum government forces during the civil war, was integrated into the Southern Sudanese Army. This led to improved security across the areas of South Sudan in which the SSDF formerly operated, while factions of the SSDF were still aligned with Khartoum and not willing to join forces with the SPLA.⁵⁹

In position and with most resources at hand, the CPA partners won a large majority of the votes among their respective constituencies in the elections of 2010. Harassment and intimidation of opposition was reported in both the North and South.⁶⁰ The elections were therefore not contributing to the democratic transformation that the 2002 Machakos Protocol envisaged but were instead consolidating the incumbent positions. Observers have claimed that the CPA created some new space for oppositional political forces both in the North and in the South. They argue that the constitution gave more rights than before, and that there have been less arbitrary treatment and imprisonments and improvements in terms of freedom for the press during the CPA.⁶¹ Opposition politicians are nevertheless clear in their assessment of the political situation:

Up to now, there has been no democratic transformation. We are still waiting for it. Political rallies are still forbidden and the security apparatus are still questioning us. So we cannot talk of democracy. (Sileman Hamid, member of Communist Party of Sudan's central committee, interviewed in Khartoum, October 2009)

The NCP has a major responsibility for the maintenance of an undemocratic legal framework at the national level: it has either prevented the liberalisation of established suppressive laws (the security bill) or delayed new laws from being ratified (the election and referendum laws).⁶² A common perception is that '[...] the NCP resisted meaningful implementation of many provisions, because they would seriously threaten its grip on power'.⁶³ But the lacking implementation can also be explained by a resignation from the SPLM to push for changes. Since Garang's death in 2005, the southern-oriented trend within the party has become dominant, and it has been less willing to confront the NCP on the national political stage. This is clearly seen in interviews with SPLM members of the GoNU, who all start with the reference to Garang's vision of New Sudan, but when they come to the realities of cooperation with the NCP, these visions are left behind. In other words, for all practical purposes, the New Sudan policy died with Garang. After his death, the separatist faction of the SPLM came to the fore. Members of the northern sector of the SPLM felt this:

It is now very difficult for the rank and file members of the SPLM to speak about unity with the North. And it is very difficult for us northerners to maintain positions in the SPLM. We are now seen as dangerous to the people of both South and North. (Mohammed Yosuf, State Minister of Labour in GoNU, SPLM Northern Sector, interviewed in Khartoum, October 2009)

According to SPLM members of GoNU, the problems of power-sharing cooperation were there from the start. First, the presidential decree no. 34 defined the jurisdictions of the ministries and departments of the state in a way that it marginalised the powers of the ministries earmarked for the SPLM (investment, foreign trade, roads and communication, health, higher education and cabinet affairs). Second, the NCP was not willing to discuss issues that were put on the table by the SPLM in the decision-making process. Although the NCP had the majority, they could at least have opened up for discussions before the decisions were made, the SPLA/M argues (Kosta Namibi, SPLM, Minister of Cabinet Affairs, GoNU, interviewed in Khartoum October 2009). The combination of NCP's manipulation strategy and their majority in the National Assembly enable them to pass laws that the SPLM disagreed with. So 'the NCP became the engine of the power sharing, and the SPLM the carriage following behind' (Dr Al Bagir El-Afif, Khatim Adland Centre, Khartoum, interviewed in Khartoum, October 2009). Rania Hassen Ahmed, in her studies of the working of the power sharing of the National Assembly, argues that the cooperation was marked by 'group building more than integration'.⁶⁴ Decision making has not been up to public debate, but a matter of internal party discussions (subgroups within the party). Although the power sharing was meant to imply the logic of inclusion, it was governed by the principle of exclusion. It is thus clear that the overall goals of the agreement, such as national reconciliation and democratisation, have remained unimplemented.

CONCLUSIONS: THE INHERENT PROBLEMS OF POWER SHARING

Through the analysis of the Sudanese peace negotiations, their agenda and implementation it is clear that the result of signing of the CPA in 2005 was not to address the root causes of perpetual crises of Sudan, but to put an end to immediate hostilities and protect the power of the signatories. Although the CPA stated the aim of democratisation, its narrow approach and exclusive participation was from the start preventing any substantial steps in the direction of a democratic transformation. A democratic transformation of Sudan was meant to be the guarantee for making 'unity attractive'. In the absence of democracy the division of Sudan became inevitable. Apart from the conflicting aims of democratisation and ending conflict in the CPA, the Sudanese peace deal includes many aspects of power sharing which have been criticised by scholars studying such arrangements. The CPA was made possible by a military deadlock and international pressure, and this produced insincere motivations and lack of commitment from the two parties. The heavy international input in the negotiations weakened the legitimacy and local ownership of the process.

The secession of Southern Sudan has brought dramatic changes to the country's political and geographic landscape. But it has also revealed that many things will remain the same. After the southern independence, President Omar al-Bashir has been reconfirming his focus on an exclusive national identity based on Islam and Arabism – an identity, which has been a major cause of conflict in Sudan. The NCP will not allow opposition parties' participation in government and will continue to suppress public demonstrations. In September 2011, 17 opposition parties were banned by the government. In January 2013, a number of civil society organisations' offices were closed down by the government in Khartoum.⁶⁵ The NCP intend to uphold the *status quo*, maintain elitist politics by making selective peace deals with rebellious groups instead of reforming the country in a democratic way.⁶⁶ It is doubtful that this policy will succeed, particularly in the border states of southern Kordofan and Blue Nile, where the people now feel more isolated than ever following the secession of the South. The Republic of Sudan will therefore continue to be inherently unstable. Equally, in the new state of South Sudan, the SPLM has excluded southern opposition in the drafting of the new constitution. Apart from the challenges of ethnic strife, fight over land and corruption, the SPLM hesitates to let go of the monopoly of political power that the CPA gave the party. The CPA has, by all practical purposes, contributed to a continuance of marginalisation and instability in Sudan, now in two states instead of one.

In the words of a northern intellectual, the CPA 'should have been formulated as a social contract including all Sudanese citizens. Instead of sharing power and resources between two parties, it should have divided everything among the whole population of Sudan' (Dr Al Bagir El-Afif, Khatim Adlan Centre, interviewed in Khartoum October 2009). But could it have been done differently, we may ask? If the peace negotiations and the post-war power sharing had been inclusive, it might have prevented the cementing of the warring parties' positions, thereby facilitating a

real democratic transformation. Practically, this could have been done through organising a federation, with democratically elected governments. This could, in the end have led to a stronger ability of addressing nationwide problems and prevented the division of Sudan. But these ideals seem far from the possibilities that were presented to the parties and negotiators in Machakos 2002. In sum, politics dictated that in order to reach an agreement the crucial principles to securing long-term peace had to be sacrificed.

NOTES

1. The SPLM/A is hereafter referred to as SPLM, since this is the official name of the party which was a part of the power sharing government from 2005.
2. Kristine Hoglund, Anna K. Jarstad and Mimmi Söderberg Kovacs, 'The Predicament of Elections in War-Torn Societies', *Democratization* 16/3 (2009) pp.530–77 and Anna Jarstad, *The Logic of Power Sharing after Civil War*, Paper prepared for the workshop on Power-sharing and Democratic Governance in Divided Society, Center for the Study of Civil War, PRIO, Oslo, Norway, 21–22 Aug. 2006.
3. *The Protocol of Machakos*, signed in Machakos, Kenya, on 20 July 2002.
4. *The Protocol on Power Sharing*, signed in Naivasha, Kenya, on 26 May 2004.
5. *The Protocol on Security Arrangements*, signed in Naivasha, Kenya, on 25 September 2003.
6. *The Protocol on Wealth Sharing*, signed in Naivasha, Kenya, on 7 January 2004.
7. Arendt Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven, CT: Yale University Press 1977).
8. Jarstad (note 2).
9. This literature points at the inherent tension between competitive elections and conflict management, where the competition that elections entail will have disruptive impacts on the attempts of moving from armed to unarmed political contestation, which in the longer run will hamper the transition to sustainable democracy. See Benjamin Reilly, 'Post War Elections: Uncertain Turning Points of Transition' in Anna Jarstad and Timothy Sisk (eds), *From War to Democracy: Dilemmas of Peacebuilding* (Cambridge: Cambridge University Press 2008) pp.157–82.
10. Hoglund *et al.* (note 2).
11. Philip G. Roeder and Donald S. Rothchild (eds), *Sustainable Peace: Power and Democracy after Civil Wars* (New York: Cornell University Press 2005).
12. Andreas Mehler, 'Peace and Power Sharing in Africa: A Not So Obvious Relationship', *African Affairs* 108/432 (2009) pp.453–73.
13. Peter Woodward, 'From CPA (Comprehensive Peace Agreement) to DPA (Darfur Peace Agreement): "Ripe for Resolution", or Ripe for Dissolution?' in Elke Grawert (ed.), *After the Comprehensive Peace Agreement in Sudan* (Woodbridge and New York: James Currey and Boidell and Brewer 2010) pp.232–41 and John Young, *The Fate of Sudan: The Origin and Consequences of a Flawed Peace Process* (London: Zed Books 2012).
14. Douglas Hamilton Johnson, *The Root Causes of Sudan's Civil Wars* (Oxford: James Currey 2003).
15. Young (note 13).
16. The Asmara Declaration of 1995 accepted the right to self-determination for Southern Sudan and the separation of state and religion in the whole of Sudan.
17. Young (note 13).
18. Hilde Frafjord Johnson, *Waging Peace in Sudan: The Inside Story of the Negotiations That Ended Africa's Longest Civil War* (Brighton: Sussex Academic Press 2011).
19. Johnson (note 14).
20. Frafjord Johnson (note 18).
21. International Crisis Group, *Garang's Death: Implications for Peace in Sudan*, Africa Briefing No. 309 (Aug. 2005).
22. Marie-Jouelle Zahar, 'Power Sharing in Lebanon: Foreign Protectors, Domestic Peace and Democratic Failure' in Philip G. Roeder and Donald Rothchild (eds) *Sustainable Peace: Power and Democracy After Civil Wars* (New York: Cornell University Press 2005) pp.219–40.
23. Jarstad (note 2).

24. Ian Spears, 'Understanding Inclusive Peace Agreements in Africa: The Problems of Sharing Power', *Third World Quarterly* 21/1 (2000) pp.105–18.
25. Elke Grawert (ed.), *After the Comprehensive Peace Agreement in Sudan* (Woodbridge and New York: James Currey and Boidell and Brewer 2010). A change of policy towards the south was made easier in 1999 by the internal split in the NCP, when Hassan Al-Turabi, considered as a conservative hardliner, left and created his own Popular Congress Party.
26. Young (note 13) p.17.
27. Barbara Walters, 'Bargaining Failures and Civil War', *Annual Review of Political Science* 12 (2009) pp.243–61.
28. Peter Wallerstein, 'International Responses to Crises of Democratization in War-Torn Societies' in A. Jarstad and T. Sisk (eds), *From War to Democracy: Dilemmas of Peacebuilding* (Cambridge: Cambridge University Press 2008) pp.213–38.
29. Johan Brosche, *Sharing Power – Enabling Peace? Evaluating Sudan's Comprehensive Peace Agreement 2005* (Uppsala: Uppsala University; Sweden and New York: the Mediation Support Unit, Department of Political Affairs, United Nations 2009).
30. Frafjord Johnson (note 18) p.74.
31. Young (note 13) p.23.
32. Spears (note 24) and Roeder and Rothchild (note 11).
33. Spears (note 24)
34. Grawert (note 25).
35. Brosche (note 29).
36. In the first round of negotiations in Machakos in 2002, the Kenyan chief negotiator drafted a negotiation text that had no mention of self-determination for the south. This infuriated the SPLA/M, and through a series of workshops and plenum dealings on issues like identity, slavery and self-determination, they arrived at the text of the Machakos Protocol as we know it today (see Young, note 13).
37. International Crisis Group, *Sudan's Comprehensive Peace Agreement: The Long Road Ahead*, Africa Report No. 106 (31 Mar. 2006).
38. International Crisis Group, *Divisions in Sudan's Ruling Party and the Threat to the Country's Stability*, Africa Report No. 174 (4 May 2011).
39. Roeder and Rothchild (note 11).
40. *The Protocol on the Resolution of Conflict in Abyei*, signed in Naivasha, Kenya, on 26 May 2004.
41. The parties have by late 2012 not agreed on holding the referendum in Abyei, see 'African Union Supports Abyei Referendum in 2013 But Gives Six Weeks for a Deal', *Sudan Tribune* Friday 26 Oct. 2012, online at <<http://www.sudantribune.com/spip.php?article44335>>, accessed Jan. 2013.
42. Khalid Medani, 'Strife and Secession in Sudan', *Journal of Democracy* 22/3 (2011) pp.135–49.
43. Aljazeera, English, 'Bashir Says Abyei Belongs to the North', 24 May 2011, online at <<http://www.aljazeera.com/news/africa/2011/05/2011524212826197410.html>>, accessed Nov. 2011.
44. *The Protocol on the Resolution of Conflict in Southern Kordofan/Nuba Mountains and the Blue Nile States*, signed in Naivasha, Kenya, on 26 May 2004.
45. International Crisis Group, *Politics and Transition in the New South Sudan*, Africa Report No. 172 (4 Apr. 2011). In Abyei, South Kordofan and Blue Nile, as well as in Darfur, violence has also been caused by local conflicts over access to land. As pointed out by Sorbo, these locally produced causes of conflict are often ignored in internationally mediated peace deals, as also was the case in the CPA. See Gunnar Sorbo, 'Local Violence and International Intervention in Sudan', *Review of African Political Economy* 37/124 (2010) pp.173–86.
46. Marc Gustafson, 'Elections and the Probability of Violence in Sudan', *Harvard International Law Journal Online* 51 (2010) pp.47–62.
47. International Crisis Group (note 37).
48. Amnesty International, *Agents of Fear: The National Security Service in Sudan* (AFR 54/010/2010), online at <<http://www.unhcr.org/refworld/docid/4c43eedd2.html>>, accessed Jan. 2013.
49. In Darfur, two rebel movements have been operating: the SLA and the Justice and Equality Movement (JEM), see Alex de Waal, 'Darfur's Elusive Peace' in Alex de Waal (ed.), *War in Darfur and the Search for Peace* (London and Boston: Justice Africa and Global Equity Initiative, Harvard University 2007) pp.367–88.
50. In the East, the Beja Congress and the Rashaida Free Lions, allied under the banner of Eastern Front, had fought an insurgency since 1994, see de Waal (note 49).

51. For a broader evaluation of the conflicts in the East and Darfur, see John Young, 'Sudan: Liberation Movements, Regional Armies, Ethnic Militias & Peace', *Review of African Political Economy* 30/97 (2003) pp.423–34.
52. *The Eastern Sudan Peace Agreement*, signed in Asmara, Eritrea on 19 June 2006.
53. *The Darfur Peace Agreement*, signed in Abuja, Nigeria, on 5 May 2006.
54. According to UN humanitarian chief John Holmes, 300,000 people were killed in 2008, see online at <<http://www.bbc.co.uk/news/world-africa-14095300>>, accessed Jan. 2012.
55. Jok Madut Jok, *Diversity, Unity, and Nation Building in South Sudan*, Special Report, United States Institute of Peace, Washington, DC (Sept. 2011).
56. Øystein H. Rolandsen, *Land, Security and Peace Building in the Southern Sudan* (Oslo: PRIO Paper 2009).
57. Cherry Leonardi, 'Paying "Buckets of Blood" for the Land: Moral Debates over Economy, War and State in Southern Sudan', *Journal of Modern African Studies* 49/2 (2011) pp.215–40.
58. *Juba Declaration on Unity and Integration between the Sudan People's Liberation Army (SPLA) and the South Sudan Defence Forces (SSDF)*, signed on 8 January 2006.
59. John Young, 'The South Sudan Defence Forces in the Wake of the Juba Declaration' in *Small Arms Survey* (Geneva: Graduate Institute of International Studies 2006).
60. European Union Election Observation Mission 2010, *Sudan: Final Report Executive and Legislative Elections*, 11–15 Apr. 2010, online at <<http://ec.europa.eu/delegations/delsdn/en/whatsnew/Final%20Report.pdf>>, accessed Feb. 2011.
61. Einas Ahmed, 'The Comprehensive Peace Agreement and the Dynamics of Post-Conflict Political Partnership in Sudan', *Africa Spectrum* 44/3 (2010) pp.133–147.
62. The new National Security Bill, which was adopted in September 2009, has been criticised for maintaining repressive elements from the previous version of the law. The Election law was passed in July 2008, after several rounds of delays, while the Referendum was ratified in December 2010 as late as 1 month before the referendum in January 2011.
63. International Crisis Group (note 45).
64. Rania Hassen Ahmed, 'After the CPA: The Implementation of Power Sharing at National Level: The Case of the National Assembly' in E. Grawert (ed.), *After the Comprehensive Peace Agreement in Sudan* (Woodbridge and New York: James Currey and Boidell and Brewer 2010) pp.51–61.
65. Two of the organisations that were closed down, the Khatim Adlan Centre and the Sudan Studies Centre, have representatives who were interviewed for this article.
66. International Crisis Group (note 38).