

## Working Paper

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# Sudan's Comprehensive Peace Agreement at One Year of Age

Cause for Celebration?

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## The Comprehensive Peace Agreement

On 9 January 2006, Sudan celebrated the one year anniversary of the signing of the Comprehensive Peace Agreement (CPA) and what is probably its best chance for lasting peace since its independence 50 years ago. The CPA marked the end of 21 years of war between the mostly Arab and Muslim identifying northern government and the generally Black African Christian and Animist identifying rebels in the South during which some 2 million people were killed. In Juba, the seat of the new Government of Southern Sudan, a great concert was held and members of the Sudan People's Liberation Movement (SPLM) openly celebrated their African identity for one of the first times in two decades. Not long before there was no freedom of assembly and meetings of more than two non-Arab identifying Southerners quickly lead to arrest. In Khartoum, the national capital, SPLM members now meet with their former enemies, the National Congress Party (NCP), in a Government of National Unity.

However, alongside these changes since the signing of the CPA, there remains much reason for concern. Not far to the northeast of Juba, threatening the security of the South even as the celebrations were taking place, the ruthless Ugandan rebel group, the Lord's Resistance Army, was reported to be lurking, and with strong indications of support from the NCP's military intelligence. Many areas in the South, outside of Juba, remain as destitute as during the war years, still waiting to see any of the peace dividends. This is not to mention the continued violence amongst scattered tribes or on a much larger scale in Darfur and now increasingly in the East, also with indications of NCP involvement.

Implementation of the CPA has begun and the fact that some minor successes have taken place is undeniable. But continued challenges bring into question whether those successes will build up to anything sustainable or if they are rather cosmetic changes easily swept away when most convenient for one of the parties to the peace. Given these problems, can the one year birthday of the CPA be considered a cause for celebration? Can it hope for many happy returns, or at least six, the number of years before a referendum for separation or unity is to be held in the South?

The status of CPA implementation and the actions of its two key parties in its first year are less than encouraging. There have been significant gaps and delays which can be contributed to an NCP lack of commitment to the unity expressed at the center of the

CPA and an SPLM lack of capacity and concentration on the South. This becomes clear when one takes a closer look at the status of implementation within five of the key areas of the CPA (power sharing, wealth sharing, security arrangements, Abyei province, and elections) as well as the important factor of international involvement.

## The Status of CPA Implementation

### Power Sharing

The CPA is based on a fundamental compromise which gives the SPLM autonomy in the South while ensuring Islamic-based *Shari'a* law in the North. For a six year period, a Government of National Unity is to be formed and to work toward making unity attractive to the South, leading up to a referendum in 2011 when the South will decide whether it wants to separate or remain a part of a united Sudan. Key to this transition period is the idea that power be shared between the two main parties to the peace. A Government of National Unity (GNU) has indeed been set up with an SPLM leader as First Vice President and several SPLM ministers and representatives governing alongside National Congress Party (NCP) officials in the North. As was agreed in the CPA, the GNU Assembly is made up of 52 percent NCP, 28 percent SPLM, 14 percent north Sudanese opposition groups, and 6 percent non-SPLM southern Sudanese groups. The newly autonomous southern government is made up of 70 percent SPLM, 15 percent other southern groups, and 15 percent NCP representation. An Interim National Constitution was signed into law on 9 July 2005. A judiciary was set up by October and in mid-December the National Assembly successfully approved a 2006 budget.

In accordance with the CPA provision for southern autonomy, a Southern Assembly has been established and an Interim Constitution of Southern Sudan was signed on 5 December 2005. According to United Nations Mission in Sudan (UNMIS) political affairs officer, Khalid EL Sawi, despite slow progress, the new Government of Southern Sudan (GoSS) is "functional" and has, at a minimum, been successful in mitigating several local tribal disputes. A Bank of Southern Sudan has also been established as a branch of the Bank of Sudan, and, in accordance with the CPA, separate windows have been established to allow people the

choice between the Islamic *Shari'a* or international banking systems. English has been accepted as an official language and learning of Arabic is no longer mandatory in formerly northern controlled areas like Juba in the South. The design for a new national currency has been agreed upon and according to Tagelsir Mahgoub of the Joint Assessment Mission (JAM) (a group set up to monitor CPA implementation which consists of United Nations, World Bank, NCP, and SPLM representatives), the new currency can be expected to be introduced by the end of 2006.<sup>1</sup>

Thus, nominal steps have been taken toward implementing the CPA. However, even as the GNU exists in name, it is missing some key ministries and commissions which either have not been formed, have not met, or are not functional. The National Petroleum Commission (NPC), to take one of the most important examples, was meant to be responsible for assuring the 50/50 sharing of southern oil revenues between the North and the South. It was established in name by Presidential decree on 30 October and had its first meeting at the end of November. Yet, one year into the CPA, UNMIS reported that even with the holding of an initial meeting "little progress has been made", and oil revenues remain a shrouded and controversial issue.<sup>2</sup> Other key missing ministries are a Human Rights Commission, a Cease-fire Political Commission, National Civil Service Commission, and a National Lands Commission. The fact that these commissions are those that deal with the most contentious issues in the peace process is neither surprising nor encouraging.

Similarly, though a Southern Government exists in name, it is far from having an effectively functioning government. Though ministers have been appointed, many lack offices or even desks and basic supplies. EL Sawi describes most southern ministries as being in the "teething stage" and points to a lack of qualified civil servants. During the years of war the South's most educated people were targeted and forced to flee. Attracting qualified Southerners back to help out with setting up a new government remains a major challenge. The level of independence of the Bank of Southern Sudan, which has currently been set up as a branch of the central bank in the North also remains controversial. Thus while undeniable progress has

been made in terms of the letter of the power sharing arrangements of the CPA, these successes are qualified by significant gaps and delays, particularly in the most controversial areas of the peace agreement.

Both sides are to blame for these delays. The NCP has left its new governing partners out of many discussions and the SPLM has shown more interest in consolidating power in the South than truly giving a unified government a chance. Limits to NCP commitment to a truly unified government as expressed in the CPA have been seen in its reluctance to involve the SPLM in such national issues as discussing Darfur and the preparations for hosting Africa's leaders at the African Union Summit in Khartoum at the end of January 2006. SPLM Presidential Advisor, Mansour Khalid, has expressed regret that the CPA did not better lay out the role of ministers, complaining that some unspecified NCP ministers were trying to claim more power than they should at the expense of bipartisan cooperation.<sup>3</sup> Sadly, the actions of the NCP to this point appear to confirm a calculated political positioning rather than any real commitment to unity. This may not be surprising given the party's history as an elite group which has managed to keep control over a large population for some 17 years, despite challenges from other groups in the North. The NCP's agreement with the SPLM appears to be the latest strategy for securing its power against such challenges.

But neither does the SPLM appear to be committed to the notion of unity expressed in the spirit of the CPA. This is not surprising given the history of the SPLM as a loose-knit group of varying tribes held together only by their shared suffering and exploitation under the North and the goal of a separate South. The strong hand of John Garang, who led the Sudan People's Liberation Army (SPLA) since it was formed in 1983, and his ambiguously interpreted vision of a "New Sudan" played a key role in uniting opposition to the government and bringing the CPA about. With the death of John Garang in a helicopter crash in July 2005, so died effectively the illusion of a South committed to a unified Sudan. Indeed, as John Young has argued the new head of the SPLM, Salva Kiir, does not share the vision of ruling over a united Sudan which likely motivated John Garang to push for unity.<sup>4</sup> In the

<sup>1</sup> Interview with Tagelsir Mahgoub (Khartoum 26 January 2006).

<sup>2</sup> UNMIS, *The CPA Monitor December Report on the Implementation of the CPA*, December 2005. p. 8.

<sup>3</sup> Interview with Mansour Khalid (Khartoum, 25 January 2006).

<sup>4</sup> John Young, "John Garang's Legacy to the Peace Process, the SPLM/A and the South", *Review of African Political Economy*, No. 106: 535-548, ROAPE Publications Ltd., 2005.

time since Garang's passing, there has been a re-shift of the most qualified SPLM politicians to the South as SPLM attention has increasingly been concentrated on the South and the issues which concern it most.

## Wealth Sharing

Another key provision of the CPA was that half of the oil revenues from the South would be given to the GoSS. Funds have indeed begun to be transferred to the South totalling an estimated \$350-400 million.<sup>5</sup> However, figures for the total revenue and thus the South's actual share remain obscure. A report of the Joint Assessment Mission (JAM) estimates that the amount due to the South should be closer to \$1.2 billion, while some SPLM critics claim that even that would be too low.<sup>6</sup> The actual numbers involved remain highly confidential, based on an internal arrangement between finance experts from the two main parties. The issue is meant to become much more transparent with the establishment of the National Petroleum Commission, made up of both parties, but as stated above the NPC is not yet functional. Indeed, according to the January 2006 UNMIS monthly report, the Joint National Transitional Teams confirmed that information gathered regarding oil contracts had not been passed on to the GoSS because of the failure to successfully set up the NPC. The SPLM side has suffered from staffing difficulties which have delayed it in following such provisions of the peace agreement as forming a technical team to review existing oil contracts (though with no indication that the contracts could be changed). The SPLM is now appealing to the Norwegian government for assistance in this regard.<sup>7</sup>

Even when staffing difficulties are addressed and the Petroleum Commission is functioning, the problem of interpretation will remain. The NCP has claimed that the costs of the governing council should be subtracted from the southern share. To complicate matters further, the definition of which oil comes from the South, is disputed, especially with borders

far from clear and many oil fields in the middle of disputed territories.

As with power sharing, concrete steps have been made toward implementation of the wealth sharing arrangements of the CPA, but these successes have been qualified by gaps and delays. The largest gap is the failure to establish a functioning Petroleum Commission with a more transparent view of the oil revenues to be split. Here it is the NCP which carries the blame for not living up to its end of the bargain. But the lack of capacity on the side of the SPLM has hardly helped its cause. A little international assistance and pressure could do much to bring the wealth sharing arrangements more in line.

## Security Arrangements

Concrete steps have also been made in terms of security arrangements in the CPA. The deadlines stipulated in the CPA, for establishment and operating of a Ceasefire Joint Military Committee (CJMC) have been met. The Sudanese Armed Forces (SAF) and SPLA members of the CJMC have been meeting on a fortnightly basis since its first meeting on 8 May 2005. A more qualified success in terms of the security arrangements is the demobilization or absorption of an estimated 48,000 militia troops falling under the umbrella of the Southern Sudan Defense Forces (SSDF) into either the SAF or the SPLA, the only two recognized armed forces one year into the CPA.<sup>8</sup> In January 2006, just in time for the deadline appointed in the CPA, General Matip of the Southern Sudan Defense Forces, accepted a position as second in command of the SPLA, bringing a large faction of the SSDF with him. Another faction chose to join with the SAF. It is not clear what kind of numbers each of these groups represent, but it is generally accepted that Matip's contingent was the largest in the SSDF. This move makes redeployment of troops easier and solidifies the SPLA strength in the south, but at the same time puts a greater strain on the SPLA, which will have to find the funds to absorb and keep their newly joined troops content.

Redeployment of troops has itself been a mixed success for the CPA so far, with the SAF on the surface

<sup>5</sup> Ron Hackett of Bearing Point, an international consulting firm advising the Southern Government on budget matters, estimates the south has received an average of \$30 million a month in the first year. The UNMIS Monitor Monthly Update for December 2005 reported the amount was not likely to exceed \$400 million, p. 8.

<sup>6</sup> UNMIS, *The CPA Monitor December Report* [see fn. 2], p. 8.

<sup>7</sup> Ibid.

<sup>8</sup> UNMIS, *The CPA Monitor December Report* [see fn. 2], Annex 14 and 15. Prior to General Matip's alignment with the SPLA the loyalties of the SSDF were estimated at 45,259 lined with the SAF and 2,755 lined with the SPLM.

generally holding to the CPA stipulations and the SPLA side lagging. According to UN military observers an estimated 13,343 out of 42,976 SAF troops that had been stationed in the South prior to the signing of the CPA have been moved to the North, meeting almost exactly the 31 percent mark of troops to be removed within the first year as stipulated in the CPA.<sup>9</sup> The rest are to continue to be redeployed over the next 18 months at which point the only remaining SAF troops in the South are to be those within Joint Integrated Units (JIUs), made up of equal parts SAF and SPLA troops.

On the SPLA side, only 1,500 (17%) of 8,736 troops that were to have been removed from the east of Sudan within a year of the signing of the CPA had actually been redeployed by January 2006. Other SPLA troops in Southern Blue Nile and Southern Kordofan/Blue Mountains will not be required to redeploy until 6 months after the establishment of the JIUs. But the SPLA also lags in terms of setting up these joint units. As of January 2006, some 18,975 SAF troops (97% of the stipulated total) had been nominated for JIUs, while on the SPLA side that number remains at 8,695, (just 46 percent of the stipulated total). Just one JIU had actually been set up with 1,500 SAF troops and 1,500 SPLA troops together in Khartoum.

However, the delays in troop removal and setting up of JIUs seems to have less to do with lack of commitment on the side of the SPLA than with logistics and upper level delays for which both parties share blame. The failure to establish JIUs to this point has been due largely to significant delays in the formation of a Joint Defence Board (JDB), which was not established until a Presidential decree was made on 29 December 2005. Moving the 7,236 SPLA troops remaining in the East has proven a great challenge as well, particularly with national and international attention being deflected toward Darfur. Plans are now being floated to borrow U.S. helicopters or to transport the troops by barge back to the South. According to Tagelsir Mahgoub of the Joint Assessment Mission (JAM) (and negotiator for the government during the peace talks), the redeployment delay in the East is generally

<sup>9</sup> These figures are estimates given in an interview with a UN Commander in the Joint Monitoring and Coordination Office in Juba, 30 January 2006. They are slightly higher than those officially released in the UNMIS CPA Monitor December Report, suggesting that redeployment of SAF troops continued through the end of January 2006.

recognized as a logistical problem and is “not a breaking point.”<sup>10</sup>

However, if the SPLA troops are successfully removed, another problem may arise in the form of a power vacuum. Already, there are indications of NCP-led SAF forces attacking Easterners and arming local groups, effectively creating an “eastern region Janjaweed” in what a senior UNMIS official warns may become another Darfur.<sup>11</sup> Similarly, the International Crisis Group has warned that pulling out the SPLA troops too soon will almost certainly lead to war between the SAF and the coalition of rebel groups in the East known as the Eastern Front.<sup>12</sup> Already there have been reports of SAF attacks on rebel camps and threatening of remaining SPLA troops in the East.

These are only the latest in a series of cases of NCP supported violence going back to SAF support of the Janjaweed in Darfur, support of the Lord’s Resistance Army at least up to November 2005, and continued reports of arming of factions within the former SSDF. This indicates a continuation of proven NCP tactics of exploiting Sudan’s myriad of local tribal rivalries and underhandedly supporting divisions within or amongst rebellious regions, something used particularly effectively to divide the South in the early to mid-90s.<sup>13</sup> Seen in this light, the CPA is just a strategic opportunity for the NCP to take advantage of borrowed stability with the SPLM and partial appeasement of the West to consolidate its power in rebelling regions in the North. The NCP’s sticking with the schedule of force removal appears to be more an attempt to appease the West than a real show of commitment to the CPA. The value of those moves is further weakened both by indications of continued arming of militia groups in the south and the fact that none of the most strategically placed northern troops have yet been removed. As the SPLM has complained, the SAF troop removal is less in line with the CPA than the numbers suggest, as troops have not been removed from key southern towns like Juba, Malakal, and Wau.

<sup>10</sup> Interview with Tagelsir Mahgoub (Khartoum 26 January 2006).

<sup>11</sup> Interview, (Khartoum 24 January 2006).

<sup>12</sup> International Crisis Group, “Sudan: Saving Peace in the East”, Africa Report, No. 101, 5 January 2006.

<sup>13</sup> For comprehensive accounts of NCP strategies during the war with the SPLM see Douglas Johnson, *The Root Causes of Sudan’s Civil Wars*, African Issues, The International African Institute, Indiana University Press: Bloomington, 2003. Also Francis Deng, *War of Visions: Conflict of Identities in the Sudan*. Washington, DC: The Brookings Institution, 1995.

The SPLM, in contrast, has everything to gain from adhering to the schedule laid out in the CPA. The more SAF troops it can get out of the South and the greater the SPLM force that it can concentrate in the South, the better chance it has of holding the NCP to its promise of recognizing a southern vote for independence. Thus, its delays truly do seem to be logistical. As with the wealth sharing arrangements, a lack of SPLM capabilities leave it helpless in the face of NCP violations. However, SPLM failure to carry out such tasks as naming troops for JIUs may point not only to a lack of capabilities, but also a lack of commitment to unity, as it focuses its attention more on the South than on unifying measures of the CPA. NCP actions, in turn, echo indications seen within the power sharing arrangements, that its view of the CPA is more one of strategic calculation than any commitment to unity. The NCP appears to be set on delaying CPA implementation as much as possible without pushing the international community and SPLM too far, while the SPLM remains limited both in commitment to unity and capacity to secure its own non-unity interests.

### **Abyei: Sudan's Kashmir**

The CPA's largest challenges and most divisive issues come to a head in the microcosm of Abyei province. Abyei is a disputed border region between the North and autonomous South, both the site of important oil fields and a mix of local tribal loyalties. The placement of this border is particularly disputed because it will determine both significant revenues and concentration of loyalties leading up to an Abyei referendum over whether to become part of the autonomous and possibly independent South. It has also gained great symbolic importance as the SPLM seeks to reward the loyalty of tribes that fought on its side.

CPA arrangements for Abyei were included in the CPA's protocol on the so-called "Three Areas" referring to the historically neglected regions of Southern Kordofan/Nuba Mountains, Blue Nile, and Abyei. The first two regions were given autonomous status in the North with their own preset representation formulas, while Abyei was given special administrative status leading up to its referendum. Uniquely, an Abyei Boundaries Commission (ABC) of international experts was set up to determine the disputed land claims between the various tribes in Abyei. Both the NCP and SPLM agreed to abide by the Commissions decisions.

The ABC met with all sides to assess claims, then relied heavily on historical records to determine a general latitudinal border to split the main areas, as well as recommending shared land use rights. The ABC report was presented to President Bashir on 14 July 2005, but remains to be acted on. In the meantime, the Misseriya tribe has rejected the still unpublished conclusions and tensions in the area remain high.<sup>14</sup>

How significant is the failure to act on the ABC report? SPLM North spokesman Waleed Hamid referred to the Abyei issue as a number one priority of the SPLM, suggesting that it was the greatest failure of CPA implementation to date. The SPLM has appealed to the Government and to the international community and already hinted at a return to war if its pleas are not answered in those venues. Going further, SPLM leader, and first Vice President of Sudan, Salva Kiir, has allegedly stated that if the SPLM is to go back to war, it will be over Abyei.<sup>15</sup>

Others, like SPLM Presidential Advisor Mansour Khalid, argue that the Abyei problem is an "artificial" one, concerning politicians and intellectuals more than the people on the ground whose main concern is freedom of movement. This suggests that the ABC report may have been better off managing disputes on the local level, playing to local concerns, rather than adding to the politically charged debate by using historical records to draw general delineations. This sentiment is echoed by a high level UNMIS official, who criticizes the ABC report conclusions for reflecting colonial traditions of drawing straight lines across areas rather than considering conclusions that actually might be acceptable to the people on the ground.<sup>16</sup> But debates over whether the reports conclusions could have been better made are indeed the realm of intellectuals. As "artificial" as some may argue the Abyei dispute to be, the reality is that the conclusions of the ABC have become an ingrained part of the CPA which both sides agreed to abide by. As Sudan expert Francis Deng warns, messing with the ABC report means messing with the CPA.<sup>17</sup>

<sup>14</sup> USIPeace Briefing, *Resolving the Boundary Dispute in Sudan's Abyei Region*, October 2005, <[http://www.usip.org/pubs/usipeace\\_briefings/2005/1026\\_sudan.html](http://www.usip.org/pubs/usipeace_briefings/2005/1026_sudan.html)> (download 15 February 2006).

<sup>15</sup> Interview with Waleed Hamid, (Khartoum 31 January 2006). The alleged Salva Kiir statement was repeated by several interviewees in Sudan at the end of January 2006.

<sup>16</sup> Interview with Mansour Khalid and UN officials (Khartoum January 2006).

<sup>17</sup> USIPeace Briefing, *Resolving the Boundary Dispute* [see fn. 14].

Allowing the Abyei dispute to sit and fester endangers the peace process overall, leaving an ever present powder keg, or what observers like Endre Stiansen, a Norwegian participant in the peace talks, ominously warn may become “another Kashmir”.<sup>18</sup> If there was ever a place for international mediation it is in this all-important area. Both parties agreed to accept the commissions report. Now that the report has come out, those parties must be held accountable.

## Elections

A far less vocalized failure of CPA implementation, but one equally damning is the lack of progress towards national elections. According to the CPA, elections are to be held by 2009, yet one year on little preparations have been made. Particularly indicative is the lack of progress towards carrying out a census to determine the number of eligible voters, a necessary step before elections can be taken. Some preliminary visits have been made by the US Census Bureau and a Chief Technical Advisor has been hired by the UN Population Fund. There are promises of international monetary assistance and a Central Bureau of Statistics has begun training programs and cartographic activities of the states. According to UNMIS, this will take at least one year given the existing staff.<sup>19</sup> Little beyond these preliminary steps has been done, leaving a general sense of delay which does not bode well for the formidable task of carrying out a census in time for scheduled elections.

What this means is that, already at this early stage, the CPA is not on track either for elections or for carrying out a referendum in 2011. Most NCP and SPLM officials seem to be wearing their proper hats, remaining publicly optimistic that everything will take place on schedule. However, indications of acceptance of delays are also beginning to seep into the general atmosphere. SPLM North spokesman, Waleed Hamid, in an interview in late January 2006, already expressed recognition of delays and the likelihood of an extended interim period.<sup>20</sup> A rush of motivation and logistical support for a census cannot be ruled out, but given the current progress it must be seen as unlikely.

<sup>18</sup> Endre Stiansen, “Perspectives on the CPA”, in *Forced Migration Review*, 24, November 2005, Refugee Studies Centre of Oxford University, p. 53.

<sup>19</sup> UNMIS, *The CPA Monitor December Report* [see fn. 2], pp. 4-5.

<sup>20</sup> Interview with Waleed Hamid, (Khartoum 31 January 2006).

This leaves two possibilities for when the scheduled deadlines for elections and referendum are reached, either an extended transition period or a return to war.

## Role of International Community

One final factor which must be taken into account in assessing the implementation of the CPA and the outlook for its future is the role of the international community. International involvement was both a significant factor throughout the war and in bringing about the peace. Particularly, super power interests and the interplay with neighboring countries and regimes defined the conflict in Sudan in the past. More recently the negotiation process hosted by the Inter-Governmental Authority on Development (IGAD) (made up of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda), as well as international pressure and support from the US and UN, were essential to bringing about the CPA. Now, international pressure is essential to moving the implementation of the CPA forward.

The international community remains engaged in several ways including participation of the World Bank, IGAD countries, and the UN in the Joint Assessment Mission and meetings of international donors. In March 2006, at the Second Donors Conference on Sudan a group made up of the US, European countries, the African Union (AU), World Bank, and International Monetary Fund confirmed \$4.5 billion of aid for Sudan over the next three years, and used the opportunity to call for an end to violence in Darfur. The largest donors are the US which pledged some \$850 million plus another \$900 subject to congressional approval and the EU which offered \$765 million including \$10 million in development assistance that has come from Germany to date.<sup>21</sup> The most visible international presence is the United Nations Mission in Sudan (UNMIS), which as of February 2006 had 6,147 personnel in Sudan including 614 Military Observers, 164 Staff Officers and 5,369 Protection Force and Enabling Personnel. The total force is supposed to number 10,000 but has been slow in being deployed.

<sup>21</sup> Agence France-Presse, 10 March 2006, “Sudan Donors Confirm 4.5 bln Dlr in Aid, Call for End to Darfur Conflict”; BBC News, “South Sudan passes Donor Target”, 12 April 2005; Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung Press Release, 14.11.2005.



UNMIS's mandate is based on helping to implement the CPA and includes assisting with voluntary return of refugees and internally displaced persons (IDPs), demining assistance, and protection of human rights. It is operating under Chapter VII of the UN Charter allowing it to use force if seen as necessary to protect its personnel and "civilians under imminent threat of physical violence."<sup>22</sup> UNMIS's successes as of January 2006 included beginning of refugee and IDP return, movement of a large number of cattle important to the livelihoods of returnees through rival areas without incident, and in mitigating local disputes in areas like Abyei. Its role as a monitoring force has been particularly important in keeping up pressure on the parties toward implementing the CPA. But its potentially most important role will be its ability to successfully sponsor peace negotiations between the government and groups that were left out of CPA arrangements.

The most visible example of this and the focus of international attention is Darfur where since 2003 some 200,000 people have been killed and over 2 million displaced in fighting between rebel groups claiming unfair treatment and government supported militia groups known as the Janjaweed. Indeed, the US Congress has called the violence in Darfur genocide and continued reports of deterioration have led to calls for a UN force to replace the almost 7,000 African Union troops currently stationed there.

The relationship between Darfur and the CPA is a complex and somewhat contradictory one. The CPA is currently being stressed by UNMIS as an example for negotiations in Darfur, but the CPA, by leaving out Darfurian groups, is also at least partially responsible for fanning violence there. Whether more groups could have been included in the CPA negotiations without their breaking down is a hypothetical debate, but the need now to extend wealth and power sharing arrangements to Darfur seems clear, both for the sake of ending violence there and for the sake of maintaining the peace between the SPLA and government at the center of the CPA itself. Going from a CPA-centric view, Darfur attracts international attention and pressure which can help in CPA implementation (especially if the CPA is seen as a model for Darfurian negotiations). But at the same time the focus on Darfur threatens to overshadow and complicate the implementation of certain aspects of the CPA, as well as

<sup>22</sup> UNMIS Website, <<http://www.unmis.org/english/deployment.htm>> (download 22 February 2006).

adding tensions with the government which may stall CPA implementation further. One example of overshadowing is the lag in redeployment of SPLA troops in the East as well as dealing with rebel groups there, an oversight which now threatens to bring about another Darfur-like situation.<sup>23</sup> Similarly, calls for a robust UN force in Darfur have taken attention away from CPA implementation and have soured relations between UNMIS and the Sudanese Government, a fact likely to lead to further delays in CPA implementation. The SPLM, for its part, has been disappointingly quiet on the Darfur issue, tacitly accepting the NCP position as a partner in the Government of National Unity. Only belatedly has the SPLM begun to express a different line, saying that it would accept UN troops in Darfur, an issue the NCP has clearly been opposed to.<sup>24</sup> While this is in some ways encouraging, it also has the potentially negative side effect of testing the bounds of the Government of National Unity.

This is not to argue that sending an UNMIS force to Darfur should be avoided to appease the Sudanese government or that the violence in Darfur should be ignored for the sake of the CPA. Quite the opposite, the stability that such a force can bring to Darfur may be essential to the successful negotiations of a peace agreement in Darfur which could in turn greatly strengthen the CPA's chances for success. But the prospect of a continuation and intensification of the various delays highlighted in the previous sections of this paper through increased tensions with the government and overshadowing of the situation in the East cannot be ignored. Even as the international community and UNMIS in particular are taking steps to resolve the immediate threat of the situation in Darfur, attention and pressure on implementation of the CPA and awareness of threats arising in other areas must be maintained.

A final international aspect that should be mentioned is the interests of India, China, and the US. The first two have significant oil investments which could be used to apply pressure on the Sudanese government. Neither seems willing to exercise such pressure, but the potential of such action points to the importance of engaging these countries as efforts to continue implementation go forward. The interests of the US are slightly more complicated. The US has been

<sup>23</sup> International Crisis Group, "Sudan: Saving Peace in the East", Africa Report, No. 101, 5 January 2006.

<sup>24</sup> McDoom, Opheera and Jonathan Wright, "Interview: Sudan vice president not opposed to U.N. in Darfur", Reuters, 27 March 2006.

instrumental in focusing international attention on Darfur, in preventing Sudan from getting the AU presidency, and in calling for a UN force to replace the AU in Darfur. But even with this displayed willingness to pressure the Sudanese government, the extent of the willingness of the US to apply pressure has been questioned. Particularly, it has been pointed out that needs and interests regarding intelligence gathering to fight terrorism has led the US to cooperate with the Sudanese government at the expense of pressure aimed at stopping violence in Darfur.<sup>25</sup> If such limits to pressure are seen in regards to Darfur, they will surely be even more limited in terms of pressure towards implementation of the CPA.

## Conclusion

The realities of the first year of CPA implementation indicated both an NCP with a commitment to unity limited by strategic calculations and an SPLM limited by its capacities as well as a lack of will for unity. The NCP appears to be committed to delaying CPA implementation as much as possible without pushing the SPLM or international community too far, while the SPLM seems to be content as long as some progress toward a southern referendum continues to be seen. Hazarding a look ahead in the midst of a constantly changing situation, these combined motivations seem to point to a likely extended transition period.

In the slightly more certain short term, one can expect continued slow progress. Concretely, one should see the continued redeployment of security forces to the North and South respectively with the formation of more JIUs likely to begin in the coming year. Given the high profile of SPLA troops in the East their removal is likely to take place with assistance from the international community. The level of attention given by the international community will determine the plight of the remaining population in the wake of the SAF's quick filling of the security vacuum. Another concrete measure of progress to expect is introduction of the new currency by the end of the year. Less expected, given the present level of attention and lack of urgency, is any real progress towards carrying out of a census.

<sup>25</sup> John Prendergast and Don Cheadle, "Our Friend, an Architect of Genocide in Darfur", *Los Angeles Times*, 14 February 2006.

It does not seem likely that tensions will soon come to a boiling point, even in the face of continued delays, but the pace at which these implementation measures are made will determine if the peace can be kept when the referendum deadline approaches. Indeed, the CPA can be seen to be based on a fundamental ambiguity which allows the NCP to understand the interim period as inevitably leading to a unified Sudan even as the SPLM understands it as a brief period before inevitable separation. So long as this ambiguity lasts, the peace between the NCP and SPLM will survive. But ambiguity ends when the culmination of the transition period is reached in the form of a southern referendum. As argued above, if the SPLM sees progress being made, it may agree to an extended transition period, but its patience will depend on the extent of implementations to that point as well as on guarantees the international community might be able to provide.

If and when a referendum comes about, it is hard to imagine either a South which votes for unity or an NCP that accepts separation. The willingness and ability of the North to undermine a likely southern decision for separation will depend on whether the SPLM can prove unified enough, adapt quickly enough, and develop a secure enough government and security force presence in the South to force the NCP to accept it as a necessary partner to ensure its own survival and well being. Of utmost importance in this regard, will be the security arrangements and the balance of military power in the South.

The joker's card in this hand is the commitment of the international community. Just as the SPLM did not bring the CPA about on its own, it is not likely that the SPLM will progress enough on its own to hold the NCP to its CPA commitments. At the end of January 2006, Salva Kiir stated that in the wake of continued NCP delays and violations of the CPA, the SPLM would appeal first to the Government of National Unity, then to the international community for accountability, then take matters into its own military hands. If a return to war is to be avoided, then the international community must demand accountability. The clearest ways to do this, as identified in the above sections, are through support and pressure for the establishment of a National Petroleum Commission, acceptance of the ABC report, and the carrying out of a census. Finally, the necessities in ending violence in Darfur should not be allowed to deflect attention and continued support and pressure towards these measures, but rather the attention and pressure garnered from international

efforts in Darfur should go hand in hand with furthering the implementation of the CPA.

The CPA is alive and is crawling forward, giving small signs of progress which after 21 years of war should indeed be cause for celebration. However, some of the CPAs greatest obstacles remain before it. Whether the next birthdays can be celebrated will depend on the CPA's ability, perhaps with some international support, to begin to stand on its own two feet and maybe even to take a step or two toward learning to walk on its own.