

The Comprehensive Peace Agreement: will it also be dishonoured?

by Luka Biong Deng

The CPA offers a unique opportunity to resolve one of Africa's most complicated and protracted civil wars and provide a new basis for national unity based on the free will of the Sudanese people. Will the CPA be sustained? Can it survive threats from Islamic extremists and the impact of the untimely death of Dr John Garang?

The state of Sudan was arbitrarily created by colonialists without regard to the views of the concerned communities, particularly the people of southern Sudan. The way the northern ruling elite rushed Sudan to independence via a unilateral declaration not based on national consensus explains the fragility of nation building in the Sudan. Since independence in 1956, Sudan has been at war with itself. Major conflicts (1955-1972 and 1982-2005) have led to the deaths of over two million people and massive displacement. Lack of consensus about the root causes of the recurrent internal wars largely explains why many peace agreements have been dishonoured or not sustained. While northern Sudanese, particularly the ruling elite, perceive civil war as a southern problem caused by sinister international interference, most southerners see the causes as rooted in ethnicity and religion.

Urban bias and highly centralised regimes favouring populations living around the capital city and central Sudan are a legacy of colonialism. While the British sought to modernise the economy and build infrastructures in the North, they entrusted Christian missionaries to provide moral guidance in the South, an attribute judged to be needed more than economic development. The socio-economic disparity created by lack of rural development during colonial rule widened after independence. Profound socio-economic disparity generated the sense of frustration and injustice that eventually led people in the South to resort to armed struggle.

Popular perceptions about the CPA are positive. A series of focus group interviews conducted towards the end of 2004 by the National Democratic Institute and the New Sudan Centre for Statistics and Evaluation indicated overwhelming support for the CPA and confidence that the SPLM has negotiated a fair deal.¹ However, those who took part are concerned about the future of the peace as the SPLM has not decisively won the war. All southern Sudanese are aware of how previous peace agreements (Addis Ababa, 1972 and Khartoum, 1992) were unilaterally abrogated by the central government in Khartoum. The precarious state of peace was summarised by a war widow who noted during a discussion that: "This peace of ours is like a sick man in the hospital. You don't want to say for sure that he is going to be coming home because, as long as he is in the hospital and sick, he still might die."

The sustainability of peace will significantly hinge on stability in the transitional areas of Abyei, Nuba Mountains, Blue Nile (the Three Areas), Eastern Sudan and Darfur, areas inhabited by the most marginalised rural Sudanese. Implementation of the protocols for Nuba Mountains and Blue Nile will be a litmus test for the overall implementation of the CPA in the other war-affected areas of the Sudan such as Darfur and Eastern Sudan.

The most likely spoilers of the CPA are extremists frustrated that the CPA limits their agenda to expand Islamic and Arab influence into southern Sudan and beyond. After

the arrival of the SPLM advance team in Khartoum for the first time in mid 2005, a group calling themselves the Legal Association of Muslims Scholars issued a *fatwa* labelling the SPLM and its supporters as infidels and called for *jihad* against their ideology of secularism.

CPA strengths

It took almost ten years to conclude the CPA, making it one of the longest and most meticulously negotiated peace agreements. Unlike previous peace agreements in the Sudan it was signed only after war-weary protagonists were convinced that military victory was not achievable. As such, the parties to the conflict concluded the CPA on a basis of parity, each recognising the political and military strength of the other side. Despite the unpopularity of the National Congress Party it was bold enough - unlike other northern political parties - to take the courageous political decision to accept southern Sudan's right to self-determination. The parity nature of the CPA is one of the inherent mechanisms that will undoubtedly contribute to the CPA's full implementation.

The CPA is also different from previous agreements as it:

- provides for devolution of government functions and powers - and fiscal revenue decentralisation - to allow people at appropriate levels to manage and direct their own affairs
- makes provision for a Bill of Rights, now enshrined in the new Interim National Constitution, which obliges all levels of government to respect, uphold and promote human rights and fundamental freedoms
- gives the people of southern Sudan their first opportunity to exercise the right of self-determination - a framework for ensuring that the unity of the Sudan

is based on the free will of its people

- has detailed implementation modalities (the 'Global Matrix') with measurable and scheduled mechanisms for effective monitoring
- allows for the development of solid constitutional institutions
- contains an agreement to create a new National Armed Forces consisting of the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) as separate, regular and non-partisan armed forces with a mission to defend constitutional order
- has detailed arrangements for revenue transfers, the lack of which was a key reason behind the collapse of the Addis Ababa Peace Agreement. The fact that the Government of Southern Sudan has been allocated 50% of net oil revenues generated from oil-fields in southern Sudan provides the key economic guarantee for effective implementation of the CPA.
- has a large body of institutional and national witnesses and defenders: the Intergovernmental Authority on Development (IGAD), the African Union, the European Union, the League of Arab States, the UN, Kenya, Uganda, Italy, the Netherlands, the UK and the USA have formally committed themselves to playing a part in making peace a reality.
- has provided the international community with a major role within the independent Assess-

ment and Evaluation Commission: the Commission's main function will be to carry out a mid-term evaluation of how the CPA is being implemented.

International commitment to rebuilding Sudan was confirmed by donor generosity during the Oslo conference in April 2005. The \$4.53bn they pledged actually exceeds the external humanitarian, recovery and development needs assessed by the Sudan Joint Assessment Mission - but is slightly less if non-JAM programmes such as Demobilisation, Disarmament and Reintegration (DDR) and UN peace-keeping operations are taken into account. If realised, these pledges will undoubtedly contribute to sustaining peace, development, eradication of extreme poverty and hunger and attainment of the Millennium Development Goals.

Likely repercussions of the death of John Garang

For many rural marginalised Sudanese, Dr John Garang, the SPLM founder and leader, was seen as their saviour and liberator, a beacon of their struggle and aspirations. Descriptions recorded during focus group interviews included: "He is like Jesus Christ"; "We consider Garang to be like Moses, who took his people away from Egypt"; "If John Garang could be cloned 100 times, things would be great." Dr John Garang was undoubtedly the only person who

could articulate and reconcile the overwhelming desire for the South to peacefully secede with his vision of giving unity a chance during the six-year Interim Period. If his tragic death encourages anti-New Sudan elements within the SPLM to speak out in favour of secession, the process of self-determination could be endangered. The new leaders of the SPLM may find it extremely difficult to make the vision of the New Sudan appealing to the people of southern Sudan.

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The CPA should be acknowledged as a major achievement both for Sudan and for Africa. It offers a mechanism to resolve complex issues of diversity and identity and to set a new basis for consensual national unity based on the free will of the people. Those who worked so hard to achieve the CPA have attempted to meet most expectations and have given the people of rural Sudan a chance to be active participants in public affairs and decision making.

Because of its organic and external mechanisms, the CPA stands a better chance than any other previous peace agreement. Any dishonouring of its provisions would be tantamount to constitutional disorder and might force the people of southern Sudan to unilaterally declare their independence. It is to be hoped that the CPA will survive the untimely death of the SPLM Leader.

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1. www.accessdemocracy.org/library/1781_su_focus_122004.pdf

The Interim Legislative Council of southern Sudan, which brings together many former military and political adversaries, was officially inaugurated on 30 September in Juba, the southern Sudanese capital.

