

Perspectives on the CPA

by Endre Stiansen

Protocols on wealth and power sharing are at the heart of the Comprehensive Peace Agreement and are the key building blocks of the process to build a new Sudan.

The Comprehensive Peace Agreement (CPA) emerged from an immensely complex national crisis. Civil war had erupted even before independence in 1956; war-related mortality figures were reportedly as high as two million; the main protagonists represented two distinct ideologies – Islamism and secularism – that fostered competing visions of Sudan; and both parties – the Government of Sudan and the SPLM/A – knew that they could not win an outright military victory. The CPA¹ is radical in proposing innovative solutions to redress root causes of Sudan's long-running civil war, cautious in that key issues are left unresolved, and conservative since the negotiating parties retain control in their main spheres of interest (northern and southern Sudan respectively). The CPA attempted both to heal a deeply divided country by addressing root causes of the conflict and to resolve fundamental issues that could not be decided by military might.

What did the negotiating parties see as the root causes? The CPA gives quite clear answers. For too long political and economic power had been concentrated in the centre. The 'new Sudan' demanded power sharing and wealth sharing. This in turn required finding ways to secure central representation of all peripheral regions and to transfer an equitable share of the national wealth from the centre to the regions. Negotiations were structured around these themes and the protocols on power sharing and wealth sharing form the core of the CPA.

Security and the Three Areas

This is not to say that the other protocols of the CPA – the security agreement and the agreements on the 'Three Areas' (the contested areas of Abyei, the Nuba Mountains and the Blue Nile) – were less important. On the contrary, for the SPLM the security protocol (which recognises the role of the SPLA as "regular,

professional, and non-partisan armed forces"²) was necessary because only the survival of the SPLA would give sufficient protection for the right to secede if the people of southern Sudan vote in favour of secession at the end of the six-year interim period. The protocols on the Three Areas were also essential because the SPLM had always claimed to represent the interest of these areas and failure to conclude anything less than separate agreements would take away from the legitimacy of the SPLM. Moreover, the Nuba Mountains/Blue Nile agreement became the testing ground for what the principles of power sharing and wealth sharing would mean in northern Sudan. Representatives from both the SPLM and the GoS have suggested that arrangement for the Nuba Mountains and the Blue Nile could serve as a model for other regions in the country, such as Darfur and the Eastern province.

The protocol on Abyei forms a unique part of the CPA in that it is the only body of text for which the parties do not claim authorship.³ This is significant and may indicate a wish – by both parties – to distance themselves from that part of the overall agreement that they will find the most difficult to live with when the six-year interim period draws to a close. There continues to be a great deal of uncertainty as to how the Abyei issue will be solved – whether it will join southern Sudan (and perhaps be part of a new independent country) or remain part of northern Sudan. Already leaders of some of the Arab tribes in the area – important constituencies of the ruling National Congress Party – have signalled that they do not want to become part of southern Sudan. Similarly there are leaders from the African population of the area who insist that Abyei must be transferred back to southern Sudan. The report of the Abyei Border Commission was meant to address some of the most controversial issues but stirred up emotions still further. Failure to

reach a comprehensive compromise that all can live with could turn Abyei into another Kashmir.

Wealth and power sharing

"To make unity attractive" is a key phrase in the CPA. During the course of the negotiations, it became clear that the parties understood this differently. To the GoS, making unity attractive was a joint responsibility and the ultimate aim of the negotiations. The SPLM position was more nuanced. While the SPLM as a political movement promoted a full-scale reform of the political and economic structures of the whole of Sudan, it was well known that most leading cadres of the SPLM, as well as the vast majority of the people of southern Sudan, preferred secession to continued unity. For this reason they felt that the primary responsibility for making unity attractive rested with the incumbent government in Khartoum and future national governments. For example, continuation of a heavily centralised system of government would not make unity attractive. The GoS therefore had to accept a system of governance that pointed in the direction of real empowerment of states and regions. In addition, the predominantly non-Muslim leadership of the SPLM was not prepared to live under Islamic laws so the GoS had to accept that there would only be *shari'a* law in the North.

The GoS negotiators made major concessions to make unity attractive. Principles of decentralisation are at the heart of the agreement, and the powers granted to the Government of Southern Sudan (GoSS) are extensive. The Wealth Sharing protocol gives the GoSS roughly 50% of net revenue from all oil produced in southern Sudan, depriving the central treasury of a very large share of its potential revenue base. High oil prices have to some extent mitigated the impact of this concession but it will still take time to compensate for loss of revenue. Secession of southern Sudan, where most of the oil reserves are assumed to be located, would of course have even greater consequences for the treasury in Khartoum.

The New Sudan

Nobody articulated the SPLM's vision of a transformed Sudan – the 'New Sudan' – with more conviction than the late Dr John Garang. The SPLM's national ambitions are reflected in the Power Sharing protocol. The Chairman of the SPLM is also First Vice-President of the Sudan, and SPLM officials will be appointed to about one third of all ministerial posts when the Government of National Unity is formed. Moreover, the composition of the national civil service will be reformed to make it more reflective of the nation as a whole. The CPA also paves the way for the SPLM to establish itself as a political force to be reckoned with in northern Sudan. Until elections are held after about three years, SPLM members will hold 10% of the seats in state legislatures in the northern states, giving the movement a flying start in establishing itself as a national movement.⁴

The sudden death of Dr Garang has led many observers to wonder if the SPLM will downplay its national aspirations in favour of preparing for full independence in six years. The new Chairman, Salva Kiir, does not have the same history of articulating a national agenda (despite his inaugural speech in which he rebuffed suggestions that he was in favour of independence³) and the new deputy chairman, Riek Machar, came to the fore in 1991 when he sought to oust Garang in part because the latter did not favour secession. The commitment – or not – of the SPLM leadership to a national agenda will have important consequences for the implementation of the power-sharing

arrangements. Another dimension of this question is how the SPLM will relate to the established political parties in northern Sudan. Since there is little reason to believe that the SPLM will lose its predominant position in the political landscape of southern Sudan, it seems a fair guess that any political alliance that the SPLM chooses to enter will become the predominant political force in the country. This explains why so many suitors from the full spectrum of the Sudanese political landscape wooed Dr Garang. Salva Kiir has inherited the role of potential kingmaker but may not want to invest much time in politics at the national level.

Implementing the CPA is also a question of capacity. The difference between North and South is stark. In the North, existing capacity can be enhanced; in the South, systems must be built almost from scratch. The financial sector is a good example. There are banks in most commercial centres in northern Sudan and the banking system is stable. Apart from in the major towns in southern Sudan, there are no banks, which means that money transfers are difficult, the public have to carry cash, and the commercial sector has no access to financial markets offering loans at competitive rates. It will take time for institutional capacity in southern Sudan to develop, even with extensive support from the international community.

Conclusion

Two parties negotiated the CPA. Critics accused the process of being exclusive and other political forces demanded to be included. The par-

ties acknowledged that in the post-conflict phase it would be essential to broaden the political process. The preparation and adoption of the national interim constitution demonstrated both the willingness to include other groups and the willingness of such groups to participate. But that was only one test and probably a relatively simple one at that. The crisis in Darfur and simmering unrest in the eastern part of the country pose other, more substantial challenges. The CPA provides a framework for dealing with these challenges. Success or failure may depend on how far the new political establishment in Khartoum is willing to take the principles of power and wealth sharing.

Endre Stiansen is a researcher at the International Peace Research Institute, Oslo. He participated in the GoS-SPLM negotiations, initially as a Norwegian observer and later as resource person on wealth sharing for the IGAD Secretariat on Peace in Sudan. None of the views expressed in this article should be seen as the views of either the Norwegian government or IGAD. Email: es@prio.no

1. Full text at www.reliefweb.int/rw/rwb.nsf/db900SID/EVIU-6AZBDB?OpenDocument
2. www.justiceafrica.org/Final_Cease_Fire_agreement.pdf
3. A footnote explains that the protocol "is the full text of the proposal entitled 'Principles of Agreement on Abyei' presented by US Special Envoy Senator John Danforth to HE First Vice President Ali Osman Mohamed Taha and SPLM/A Chairman Dr John Garang ... The Parties hereby declare to adopt these Principles as the basis for the resolution of Abyei Conflict."
4. The CPA also gives the National Congress Party 10% of the seats in the state legislatures in southern Sudan, thus ensuring that it remains a substantial force also in southern Sudan.
5. <http://news.bbc.co.uk/2/hi/africa/4142554.stm>