Sudan's new peace: will a federal union work?

BY *PAUL MORTON* AND *TAG ELKHAZIN*

After over 20 years of civil war, peace is coming to Sudan, the largest country in Africa. The peace agreement of January 2005 was followed in August by an opening of parliament with deputies from both the government and the southern rebels. And Sudan now has a form of federal government that grants significant autonomy to the South. The agreement formally ended Africa's longest-running civil war, one which took up to two million lives.

The civil war between the mainly Muslim government in Khartoum in the North, and the largely Christian and Animist South has ended and a national unity government sworn in. Lam Akol, a member of the Southern rebel group, has been named foreign minister. However, the peace between the Sudan People's Liberation Movement (SPLM) and the North does not cover the conflict in Darfur in the west of Sudan, where 180,000 people have lost their lives over the past two years. A peace agreement that was signed by the government and two Darfur rebel groups in April has not held, and fighting there continues. The crisis in Darfur remains the single largest threat to stability in Sudan.

The power-sharing agreement between the government of Sudan and the main rebel group survived the tragic death of former SPLM leader John Garang in a helicopter crash in July. Since the signing of the agreement, a number of difficult issues — including the crisis in Darfur — have tempered the optimism of those early days. The death of Garang, who had just been appointed first vice president, created an added element of uncertainty to Sudan's already uncertain near future.

The long-sought agreement

Implementation of the agreement has progressed, if slowly, since its signing in January. A constitution to govern the six-year interim period was recently drafted, and then approved by the Parliament. Its provisions codify the various protocols agreed to throughout the nine-year peace negotiations. The negotiations were organized by a group of East African countries who formed a group called the Intergovernmental Authority on Development or IGAD. The group, which includes Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and

SPLM's Selva Kiir (l.) and the late John Garang

Sudan's President Omar al-Bashir

Uganda, has also been sponsoring peace negotiations and a parliament-in-exile for Somalia.

The constitution agreed to by both sides has combined an asymmetrical federal structure granting significant autonomy to the new regional government of South Sudan, with power shared at the centre between the ruling National Congress Party and the South Sudan People's Liberation Movement or SPLM. Underlying all of these arrangements is a referendum on Southern independence in six years.

The peace agreement, which includes the multiple protocols of the peace process, is quite detailed in its account of wealth sharing, power sharing, security arrangements and a number of disputed areas.

On the political side:

- representation within national institutions is divided between the National Congress Party and the SPLM;
- seats in parliament have been allocated: 52 per cent for the National Congress Party, 28 per cent for the SPLM, 6 per cent for other Southern parties, and 14 per cent for those in the North;
- a Council of States will be created as a new upper house;
- several commissions on the implementation of the agreement have been created.

On the economic side:

- a single national currency will be created, with two central banks for the North and the South;
- oil revenues will be shared equally, with a small percentage allocated to producing areas.

Security protocols lay out in even greater detail arrangements exclusively between the National Congress Party and the SPLM.

Progress in the implementation of the peace agreement faces several major challenges. One that was carried over from the peace negotiations themselves is the serious lack

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of broad-based participation in the peace process. Neither the National Congress Party nor the SPLM represents all concerned parties in North or South Sudan. Neither the peace agreement nor the new constitution allows for much outside influence beyond the two signatories. Since January, there has been no sign that either party is keen to change this. The National Constitutional Review Commission either failed to include most opposition groups in the drafting of the constitution, or included them very late in the process.

The government of Sudan and one of the opposition groups, the National Democratic Alliance, struggled for several months and finally reached an agreement on participation of the Alliance in the upcoming national unity government and the Interim National Assembly. The negotiations reached a breakthrough on November 4, 2005. The main force within the Alliance, the Democratic Unionist Party, had previously signed a unilateral agreement with the government of Sudan; thus leaving the rest of the Alliance coalition parties out in the cold. The rebel groups of east Sudan, who are based in and supported by Eritrea, are in an on-and-off process of negotiations with the government of Sudan. The usual prerequisites for negotiating in good faith and giving a negotiated agreement a good chance, such as cease fire, de-escalation of cessation of hostilities, have not been agreed upon. Several supporters of the rebels are still detained by the government of Sudan.

In South Sudan, the SPLM has made very little progress in negotiations with government-aligned militias such as the South Sudan Defence Forces, though the intentions from both sides and the level of trust have improved since the death of Dr. Garang.

This marginalization is also at the root of the crisis in Darfur, and in the emerging conflict in Eastern Sudan. In both cases, rebel groups seek a voice in determining their future, not independence. To address these concerns satisfactorily, the political process in Sudan must move beyond the two-party system currently in place.

The only sure way to include Darfur and the East in the national political process would be to create political space for the rebels in those regions. While the rebels are demanding a far-reaching devolution of power for their regions and an equitable share of power and wealth federally, the government of Sudan thinks otherwise. The government offers on the table are falling far short of the rebels' minimum expectations. The expectations of rebel groups for their participation (or as some have called it, payback for armed struggle) were set at high levels by IGAD-sponsored talks between the North and South and the resultant protocols and Implementation Agreement.

The rebels of Darfur have realized the need for political institutionalization and are working to fill that role. Their aim is to become a national political party. For any political party active in Sudan now to become truly national, a paradigm shift needs to take place — a shift away from secularism, political Islam, regionalism and tribalism. The old alliances of West Sudan with the Umma Party and East Sudan with the National Democratic Alliance and its Democratic Unionist Party are not adequate and might no longer hold now that the people in these two regions have taken up arms to protest against social and political injustice.

Once the rebel groups outside the agreement are brought into it, the next challenge is how to provide the means necessary to carry out the agreement. Securing a deal between the government and the SPLM did not come easily. As a result, the terms of the agreement created a complex governance structure, with South Sudan acting as a federation within the national framework, which was also federal in nature. Relations among these three tiers of government (the national government, the government of South Sudan and the state governments) will require a great deal of coordination and negotiation. Perhaps more daunting than the implementation of the terms of the agreement is the resolution of issues on which the agreement is silent. Many issues remain unresolved in every area of the agreement, with little clarity on how conflicts or disputes can be addressed effectively.

A bumpy beginning

The death of recently sworn-in first vice president John Garang on July 30, 2005, shook the country to its core. While the SPLM moved quickly to name a successor, the violence in a number of cities following news of the helicopter crash demonstrated just how unprepared the government was for such an eventuality.

The removal of John Garang from the post-agreement phase led to fears of the process being derailed. Salva Kiir, his successor, is a life-long soldier, and does not carry nearly the political or diplomatic clout of Dr. Garang. Garang had carried the hopes of the South Sudanese for a generation, and had played a pivotal role in reaching an agreement to end the war. His ability to keep the SPLM together while convincing both the North and the South of the need for a new, united Sudan also made him seemingly indispensable in giving the interim period a chance for success.

Initial indications suggest, however, that the change in SPLM leadership may not spell disaster. Salva Kiir is widely seen as more democratic than Garang, and may have some success in addressing grievances and divisions within the SPLM and the South more generally. Beyond the challenges within the organization, Garang's death opened the door for a period of uncertainty that could be exploited. Salva Kiir's quick action in calling an emergency meeting to name a successor and emphasizing renewed commitment to the agreement was an important step in minimizing this risk. Significant challenges remain in the months ahead, but there is also the opportunity for the SPLM to make quicker progress in its transition from a guerilla army to a broader-based political party. ✆