

Master's thesis

NTNU
Norwegian University of
Science and Technology
Faculty of Social Sciences
and Technology Management
Department of Sociology and Political Science,

Stine Aas Paxal

An Implementation Study of the 2005 Comprehensive Peace Agreement in Sudan

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Preface

This thesis is the culmination of the course POL3900 and has been researched for and written during the course of 25 weeks in the Spring semester of 2012. It completes my fifth and final year of the Master in Political Science at the Department of Sociology and Political Science, Norwegian University of Science and Technology (NTNU) in Trondheim.

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Stine Aas Paxal

Abstract

In this Master's thesis I have studied the implementation of the 2005 Comprehensive Peace Agreement (CPA) in Sudan. After 40 years of civil war in Sudan, the peace agreement was signed between the two warring parties, the Government of Sudan in North and the Sudan People's Liberation Movement in South. The 2005 CPA initiated an interim period of six years, which ended in July 2011. My research question in this classificatory analysis has been

To which degree and in what way has the Comprehensive Peace Agreement been implemented by the parties in the Sudanese civil war after the signing on 9 January 2005 and until the end of the interim period on 9 July 2011?

I have studied the content of the 2005 CPA which I divided into seven dimensions. Out of these dimensions I derived ideal-typical sets of criteria based on valid distillation of the substantial intentions of the treaty. These dimensions are the measuring scales against which actual implementation is to be compared. By developing a percentual scale I have sought to grade the level of implementation within the different dimensions.

My results indicate that the 2005 CPA has been far from implemented within the six-year time frame. With an average implementation level of 3.5 only one dimension scores higher than the average level; the "political issues" dimension. The least implemented dimension is "Abyei region" with a score of 2.2. The rest of the dimensions lie close to an implementation level of 3.

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1 Introduction

The 2005 Comprehensive Peace Agreement (CPA) ended the civil war in Sudan, one of the longest lasting civil wars in Africa. Since 1955, one year before the country gained its independence from Britain and Egypt, until 2005, the year when the CPA was signed, the country has been in war, only interrupted by 10 years of peace.¹ The CPA was signed by the two major warring parties in the Sudan, the government (the National Congress Party – NCP) in the North and the Sudan People’s Liberation Movement/Army (SPLM/A) in the South.

1.1. Background: From Roots of Conflict to The Comprehensive Peace Agreement

The civil war in Sudan has its roots in North Sudan’s long lasting political, economical and social dominance over the Southern part of the country. It is a conflict between North and South, Muslims and Christians, and Arabs and Africans. Sudan was the largest country in Africa, the name meaning “land of the Blacks”. Sudan is geographically situated in North-Eastern Africa. It borders nine countries and the Red Sea. Two of the neighbouring countries are Arab (Libya and Egypt) while the other seven are African: Eritrea, Ethiopia, Kenya, Uganda, the Democratic Republic of Congo (DRC), the Central African Republic and Chad. Sudan is usually divided into four parts: the Sudan plain, the north-western hills, the central Sudan hills and the South (Abulemoi 2011: 1). The Nile runs through the diverse country where they speak Arabic, Dinka and English, in addition to 14 minor languages and 100 dialects. In the South live the nomadic Dinkas with their sub-tribes and clans, known for their close, almost religious relationship to their cattle. In the South also live the Nuers, who consider their chiefs as divine manifestations. The Nuers and Dinkas have always fought over grazing land, grazing rights and cattle, especially in the west in Darfur. The North is home to the Arabs, while the South is home to the Africans and the West is populated by both groups. The thing that always held them together was their fight against others, the last time the British (Kristiansen 2009: 25-6).

During the 15th century Islam was introduced in Sudan and gradually split the country into an Arab North and an African South. The last 100 years of Sudan’s history can mainly be divided into three important periods that can be seen as political turning points: Turko-Egyptian rule beginning in 1820/1, Anglo-Egyptian rule 1898-1956 and independence from 1956. The Turko-Egyptian rule lasted for 40 years, a period with annual raids into South

¹ Peace between the first civil war (1955-1972) and the second civil war (1983-2005)

Sudan where thousands of black Sudanese were taken captive as slaves. These raids destroyed the region's stability and economy and developed a deep hatred of Arabs among the Southern Sudanese. Under the British rule, from 1924 until independence in 1956, Sudan was run as two separate colonies, the North and the South. This separation further emphasised the division between them (Abulemoi 2011: 2).

Sudan has experienced two civil wars since its independence from the British. The first civil war broke out just before the independence was declared in 1956. Southern troops mutinied in 1955 after feeling indifference from Northern politicians to Southern demands and a lack of commitment by the colonial authorities. After the Sudan gained independence, the colonial systems were transferred from Britain to the Northern Sudanese nationalists. While the British had acknowledged the diversity that existed within Sudan, the new Northern rulers sought national monoculture. Diversity represented for them, a possible problem that could undermine their desire to build an Islamic Arab state (Abulemoi 2011: 37; Sharkey 2003: 123, 140).

On 27 February 1972, the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) signed a peace agreement, known as the Addis Ababa Agreement (AAA). North Sudan began to moderate its pro-Arabic influence and Sudan improved as a nation. The agreement declared South Sudan a semi-autonomous region with its own parliament. Nevertheless, the South was still denied the right to exercise economic planning and social development in the region (Abulemoi 2011: 39).

The second civil war, like the first, began with a mutiny. In May 1983, a revolt broke out after the North gave order to transfer some Southern battalions to the North, and other battalions joined in.

Beneath the conflict were several root causes: the discovery of oil in the [S]outh; an attempt to redraw boundaries so that rich oil resources would come under [N]orthern control; unequal development; religious and ethnic differences; and general dissatisfaction with the AAA (Abulemoi 2011: 41).

By the beginning of the new millennia the second Sudanese civil war showed no signs of ending. Both parties had by then realised that neither could win militarily but they seemed unable of finding a peaceful solution. In 1997 the IGAD² started a peace initiative which at

² The Intergovernmental Authority on Development (IGAD) is an regional development organization in East Africa consisting of eight member countries (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda)

first stalled much because of the political will in Khartoum and also because of the lack of international pressure. That pressure emerged in 2001, with a meeting in New York that

brought together the United States, Britain, and Norway, beginning the process that led to the concerted and effective international effort for peace talks. Italy eventually joined the initial troika, making it the “Troika Plus” (USIP 2007: 3).

The involvement of the “Troika Plus” together with the African Union and the UN, finally led the SPLM/A and the GoS to sign the Machakos Protocol in 2002. By signing the CPA, the NCP and SPLM agreed to a power-sharing arrangement for a six-year interim period (9 January 2005 – 9 July 2011). The agreement included provisions on state building, self-determination, political power-sharing, wealth-sharing, security arrangements, a ceasefire, and the resolution of the conflicts in the Three Areas: Abyei, the Nuba Mountains and the Blue Nile.³

The Machakos Protocol was signed on 20 July 2002 by the Government of Sudan (GoS) and the Sudan People’s Liberation Movement/Army (SPLM/A) and was an introduction to the Comprehensive Peace Agreement that was signed three years later, on 9 January 2005.

³ The crisis in Darfur, a region in West Sudan, started on 26 February 2003, and was therefore not included in the CPA. A separate peace agreement for the Darfur conflict was signed on 5 May 2006.



Figure 1 Map of Sudan and South Sudan (Vidiani 2012)

1.2. Research Question

This backdrop may inspire a lot of interesting research questions. For instance, much research has been done on the different underlying factors that resulted in the Sudanese civil war.

There also exists literature attempting to explain the CPA as a negotiated outcome. This paper has a different focus. I will study the Comprehensive Peace Agreement and its

implementation during and at the end of the six year long interim period. More precisely, the research question may be formulated as follows:

To which degree and in what way has the Comprehensive Peace Agreement been implemented by the parties in the Sudanese civil war after the signing on 9 January 2005 and until the end of the interim period on 9 July 2011?

Such formulated, the present study is a *classificatory analysis* juxtaposing (i) the political *intentions* of the parties as embedded in the text and spirit of the CPA, and (ii) the extent of the actual *implementation* of the key dimensions of the body of treaties. In other words, the present study is a descriptive comparison of *intentions* and *behaviour* within the framework of a peace-treaty body. In such a study, explanatory, positive theory is not required, and even out of place. What is required in a classificatory project such as mine, however, is the generation of ideal-typical sets of criteria based on a valid distillation of the substantial goals/intentions of the treaty. This is the measuring-scale(s) against which actual implementation-behaviour is to be compared, and this is the analytical challenge in the present study. The body of agreements in the CPA promotes different deadlines as to when different institutions and agreements were to be implemented, all within the six year interim period.

1.3. Methods for the gathering and analysis of data

I will use the *case-study approach* to study the outcome of the implementation of the CPA after the six year long interim period. Since this is a study of the implementation of the agreement, my focus will be on what the parties have achieved during the interim period. Because of limited time available for this research project I will not go into why some parts of the agreement have been implemented or why others have not, nor will I draw any conclusions on where the agreement has failed.

I will be using the case study method in this classification analysis where actual implementation is evaluated against the key prescriptions of the 2005 CPA. The aim of this study is to establish the facts regarding the implementation of the treaty: what aspects of the treaty were implemented to what degree and which dimensions were not implemented. Or more generally formulated: what is the pattern of the implementation of the CPA?

To be able to do a thorough study of the implementation process I will depend on the collection of data from several sources. When collecting data one usually separates between primary and secondary sources. Primary sources are material that is directly linked to

historical events like eye-witness descriptions or original documents. Secondary sources also give information topic of interest, however without direct links, and are often based on primary sources, like newspaper articles quoting eye-witnesses or descriptive statistics (Moses & Knutsen 2007: 120-1). The 2005 CPA will be my primary source and it will support the reliability and validity of this study. My secondary sources will mainly be reports written by both international and domestic observers who have monitored and evaluated the implementation of the CPA during the interim period.

The collection of data has been relatively unproblematic. The 2005 CPA was easy to find on the internet and because of the international engagement in the peace process there exists several reports on the implementation status. The processing of the data has been a bigger challenge. Because of all the literature and my study's structure with several, sometimes precise, indicators, it has been a challenge to find the answers to many of my indicators. The reports often focus on the major achievements in Sudan and not so much on the smaller failed projects. In addition it has sometimes been difficult to be a critical and unbiased reader.

1.4. Division of labour between chapters

In order to understand the essence and environment around the implementation of the CPA, I started this thesis by introducing Sudan's history in a political-historical context. This introduction to the background of the conflict will help the reader in understanding the complex relationship between the North and South Sudan.

Chapter 2 will present the content of the 2005 Comprehensive Peace Agreement divided into seven different dimensions, with the intention to develop a set of criteria (or indicators) - a scale of measurement. Put together these sets of criteria will make up an ideal-typical model for peace and development in the Sudan that the implementation of the CPA later in this paper will be compared to and measured against. This model will thus be the foundation of the evaluation to decide to which degree and in what way the agreement has been implemented in practise.

The analyses in this study will consist of two "waves": First, the several partial analyses organised along the seven dimensions of the peace-treaty, and second, a comprehensive analysis allowing for the comparison of implementation across the different dimensions of the CPA. The latter analysis preconditions the execution of the former. The aim of analyses is then to shed light on the research question, one at the level of the singular dimension, the other at the more aggregate level.

Chapter 3 will consult the actual reality by documenting the follow-up practise of the CPA by the parties along the dimensions specified in chapter 2. I will use the data from chapter 2 and work systematic through every dimension and every indicator. With my grading system I will be able to study and differentiate both if the different articles in the agreement have been implemented at all and if they were implemented within the planned time frame. All the indicators in every table will be summated at the bottom of each table and divided by the number of cases to find the mean level of implementation for each dimension. These empirical partial analyses will found the basis for the summarised conclusion in chapter 4.

In chapter 4, the final chapter, I will sum up the main findings and the method that got me there. The results of the calculated dimension means in the tables in chapter 3 will be the basis for this summarised conclusion. I will compare the mean values of the dimensions' implementation grade to investigate the differences in the implementation between the dimensions for than to be able to see which CPA issues have been implemented the most and the least. This last table will make me possible to study which dimension that has been implemented the most. I will then be able to conclude to which degree and in what way the CPA has been implemented. This will be the conclusion of my paper.

2 The Comprehensive Peace Agreement as a yardstick for implementation

This chapter will clarify the composition and content of the 2005 Comprehensive Peace Agreement (CPA) with the aim of “distilling” several sets of concrete criteria against which actual implementation-behaviour may be evaluated. In an implementation study like this that focuses on the achieved implementation of the agreement, it naturally follows that the agreement will become the yardstick against which implementation will be measured. The essence I extract from the CPA will function as the classificatory apparatus within which actual implementation will be categorised and assigned scores of achievement. Based on this material I will derive a set of criteria – a measurement scale consisting of seven main dimensions:

- Political institution building
- Distribution of resources
- Military security
- Political issues
- Economic development and institution building
- Regional issues: Abyei region
- Regional issues: Southern Kordofan/Nuba Mountains and Blue Nile State

This set of criteria will later be used in the empirical chapter to describe the implementation practise along the seven sets of criteria (representing the seven dimensions of the CPA) established in the present chapter. In the analysis, I will compare the actual implementation practise with the several sets of criteria to assess to which degree, and in what way the implementation of the CPA in Sudan has been successful.

2.1. The 2005 Comprehensive Peace Agreement – An Introduction

The 2005 CPA consisted of six protocols signed in the period July 2002 to May 2004: the Machakos Protocol; the Protocol on Power Sharing; the Agreement on Wealth Sharing; the Protocol on the Resolution of the Conflict in Abyei Area; the Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States; and the Agreement on Security Arrangements.⁴ The 2005 CPA was an important achievement because it brought an end to one of Africa’s longest running civil wars. The agreement ended years of suffering where more than 2 million Sudanese had lost their lives only in the second civil war (AEC 2008: 7).

⁴ In addition the CPA has two appendices containing a ceasefire and implementation modalities.

The 2002 Machakos Protocol was an introduction to the agreed principles for the rest of the agreement. The protocol stipulated that the implementation process of the peace agreement would happen over two time periods: a *pre-interim period* with a duration of six months, and an *interim period* with a duration of six years.⁵ During the pre-interim period the institutions and mechanisms agreed upon in the CPA should be established, and throughout the interim period these institutions and mechanisms should be operational.

Unlike victory by one side, negotiated settlement requires that all parties can agree upon the new rules implied after a civil war has ended. Because of the often fragile environment in which these negotiations take place, the process is complicated. Hartzell and Hoddie (2003) divide forms of power-sharing into four categories: political, territorial, military and economic.⁶

As we study the CPA we can see that the protocols cover the necessary power-sharing dimensions established by Hartzell and Hoddie (2003). The headlines covered the various dimensions; the protocol named “Power Sharing” dealt with state and institution building, the “Wealth Sharing” chapter dealt mainly with the sharing of resources and economic revenues and transfers, and the protocol on “Security Arrangements” covered the deployment and redeployment of military forces. The territorial aspect is such a complicated issue in Sudan that it was provided for in several of the different protocols. Since few borders have been demarcated in Sudan, and since several of those borders demarcated are being disputed, the CPA postponed this discussion and simply stated that “[t]he Parties agree to establish a process to resolve this issue” (CPA 2005: 48 – Chapter 3: 2.1).

⁵ The interim period was scheduled to end on 9 July 2011

⁶ The political dimension of power-sharing institutions distributes the political power among the involved parties. This includes electoral, administrative and executive proportional representation. The second dimension, territorial power-sharing, “defines the division of autonomy between levels of government on the basis of federalism or regional autonomy arrangements” (Hartzell & Hoddie 2003: 320). The military dimension involves rules about the distribution of the state’s use of force among the warring factions, while economic power-sharing “defines the distribution among groups of economic resources controlled or mandated by the state” (Hartzell & Hoddie 2003: 320).

2.2. Treaty Dimension I: Political Institution-building

Chapter 2 of the CPA, the power-sharing protocol, showed willingness from the parties to change Sudan. The protocol implied the establishment of a new relationship between North and South, between all levels of government, and between the government and the people. This change was to be based on “the principles of good governance, accountability, transparency, democracy and the rule of law” (AEC 2008: 10).

One important and recurring focus in the CPA is to work towards and prepare for a united Sudan. Chapter 1 of the CPA proclaimed that;

the unity of the Sudan, based on the free will of its people democratic governance, accountability, equality, respect, and justice for all citizens of the Sudan is and shall be the priority of the Parties and that it is possible to redress the grievances of the people of South Sudan and to meet their aspirations within such a framework (CPA 2005: 2 – Chapter 1: 1.1).

At the same time as the overarching goal of the agreement was to focus on and work towards a united Sudan, South Sudan was given autonomy during the interim period. South Sudan consists of three provinces: Bahr el Ghazal, Equatoria and the Upper Nile. In 2001 the Southern population was anticipated to be 5.1 million out of a total Sudanese population of 31.9 million. The CPA obliged the parties to accept South Sudan’s self-determination with the right to a referendum in 2011 where the people of South Sudan should decide whether to join a united Sudan or to remain separated from the North and become a separate state. This was done in an attempt to even out the power distribution between the parties since the Southern part of the country at almost all times has been dominated by the North.

To monitor the implementation of the CPA, the peace agreement called for the establishment of an Assessment and Evaluation Commission (AEC). The commission was to consist of equal representation from the two main parties, the GoS and the SPLM/A, supplemented by not more than two representatives from each of the third parties, namely: member states of the IGAD Sub-Committee on Sudan (Djibouti, Eritrea, Ethiopia, Kenya and Uganda), observer states (Italy, Norway, UK and US), or “[a]ny other countries or regional or international bodies to be agreed upon by the Parties” (CPA 2005: 8 – Chapter 2.4.1). In accordance with the CPA the commission would conduct evaluations throughout the interim period, both mid-term and at the end.

2.2.1. Power-sharing

The 2005 CPA, signed between the GoS and the SPLM/A, provided for the formation of a Government of National Unity (GoNU), that during the interim period should “reflect[...] the need for inclusiveness, the promotion of national unity, and the defense of national sovereignty, and the respect and implementation of Peace Agreement” (CPA 2005: 24 – Chapter 2: 2.5.1).

The GoNU decentralized Sudan’s political power into three main levels of government: a national level of government to protect and promote the national sovereignty of Sudan; a Southern Sudan level of government to exercise authority in respect of the people and states in the South; and a state level of government to exercise the authority at the state level and render public services through the level of government close to the people (CPA 2005: 12 – Chapter 2: 1.3). This decentralisation of power during the interim period was hoped to transform Sudanese political, social and economic life (Abulemoi 2011: 88).

To guarantee, regulate and allocate this distribution of power during the interim period, the CPA established an Interim National Constitution (INC) to be “the Supreme Law of the land” to which “the Southern Sudan Constitution, the state constitutions and the laws of all levels of government must comply with” (CPA 2005: 13 – Chapter 2: 1.5.1.2; CPA 2005: 6 – Chapter 1: 3.1.1). A National Constitutional Review Commission (NCRC) should according to the CPA, prepare a Legal and Constitutional Framework text within six weeks. This text would later be put up for adoption by the National Assembly and would then become the INC for the Sudan (CPA 2005: 31 – Chapter 2: 2.12.7).

In accordance with the peace agreement, all three government-levels should consist of a legislative body, an executive body and a judiciary body (CPA 2005: 19; 32; 36 – Chapter 2: 2.1; 3.1; 4.1).⁷ All the different government-levels should also adopt their own constitutions which all have to work suitably with each other.

2.2.2. The National Government

The national government, ruling in the Islamic North, should have the Sharia laws and the consensus of the people as its source of legislation and should only be applicable in the Northern states (CPA 2005:6 – Chapter 1: 3.2.2). The national legislature should be a bicameral institution comprised of a National Assembly (NA) and a Council of States, both

⁷ And other institutions and commissions specified in the agreement and the INC (CPA 2005: 19 – Chapter 2: 2.1)

chambers equitably represented by South Sudan. While the Council of States should consist of two representatives from each state, the NA should be allocated as follows: the National Congress Party (NCP) (52 %); Sudan People's Liberation Movement/Army (SPLM/A) (28 %); other Northern political forces (14 %); and other Southern political forces (6 %) (CPA 2005: 20 – Chapter 2: 2.2.5).

The Presidency and a Council of Ministers would make up the national executive, where the Presidency should consist of the President and two Vice Presidents. Prior to the national elections, the current president would be the President of the Republic of Sudan as well as commander-in-chief of the Sudan Armed Forces (SAF). The current leader of SPLM should be appointed First Vice President as well as the President of the Government of Southern Sudan and commander-in-chief of the Sudan People's Liberation Army (SPLA) (CPA 2005: 21 – Chapter 2: 2.3.5). The Council of Ministers should be established by the president in consultation with the first vice president within 30 days after the signing of the CPA, and be allocated the same way as the NA.⁸ The President and the vice presidents should all be members of the council (CPA 2005: 22 – Chapter 2: 2.3.12-13; CPA 2005: 24 – Chapter 2: 2.5.5).

The CPA called for the establishment of an independent national judiciary, consisted of a constitutional court, a national supreme court and national courts of appeal, where all justices and judges should be allowed to do their jobs without political interference (CPA 2005: 28-29 – Chapter 2.11.2-4).

2.2.3. The Government of Southern Sudan (GoSS)

Self-determination by nations and people is a principle enshrined in the United Nations' charters and resolutions. The 2004 Protocol on Power Sharing of the CPA gave the government of South Sudan autonomy during the interim period until the Southern population should decide through referendum whether to join a united Sudan or to opt for secession (Abulemoi 2011: 110). The protocol provided for the transfer of significant powers to the GoSS, where the GoSS should

act as an authority in respect of the States of Southern Sudan, to act as a link with the National Government and to ensure that the rights and interests of the people of Southern Sudan are safeguarded during the Interim Period (CPA 2001: 32 – Chapter 2: 3.4).

⁸ The NCP 52 %; the SPLM/A 28 %; other Northern political forces 14 %; and other Southern political forces 6 %

The GoSS' legislative and executive powers were, through the CPA, vested in the President and the Southern Sudan Assembly under the CPA. Until the time of elections, the Southern Sudan Assembly should consist of the SPLM (70 %), the NCP (15 %) and other southern political forces (15 %) in order to obtain inclusiveness. The peace agreement stated that the Presidency of South Sudan should appoint an Executive Council of Ministers. The executive body should establish the independent institutions the CPA required (CPA 2005: 32-33 – Chapter 2: 3.5.1; 3.6.1-2).

At the judiciary level in the South, the CPA established a supreme court and courts of appeal, where the Supreme Court of Southern Sudan was the highest court in South Sudan “to which appeals may lie from Southern state courts or other Courts of Southern Sudan on matters brought under or relating to Southern state, Southern Sudan or National law” (CPA 2005: 34 – Chapter 2: 3.7.2).

2.2.4. The State level Government

Chapter 2 in the CPA also established a federal system of government. The individual states gained significant powers transferred from the national and Southern governments. Abulemoi (2011: 120) said that “[f]ederalism and devolution of power are important for the resolution of conflict in the Sudan”. The CPA emphasised the importance of local governments and that the elections, organisation and proper functioning should be the responsibility of this level of government (CPA 2005: 36 – Chapter 2: 4.3). Prior to elections the NCP should hold 70 % of the representatives in the state legislatures in the Northern state, while SPLM should hold 70 % in the Southern states.⁹ The remaining 30 % should be allocated as followed: 10 % in the Southern states to be filled by NCP; 10 % in the Northern states to be filled by SPLM; and 20 % in the Northern and Southern states to be filled by representatives of the other Northern and Southern political forces respectively (CPA 2005: 36 – Chapter 2: 4.4.2).

The state governor, the state Council of Ministers and local governments should make up the state executive body. The state governors were to be elected directly through public suffrages and were the ones to appoint the ministers and the commissioners of the state (CPA 2005: 74-74 – Chapter 5: 4.2; 5.1-2). The state Council of Ministers should answer to the governor and the state legislature. Prior to elections the state executive should be allocated in almost the

⁹ The state legislatures was elected through public suffrages on the same date as the elections for the NA (CPA 2005: 36 – Chapter 2: 4.4.3)

same way as the state legislature (CPA 2005: 37 – Chapter 2: 4.5.2).¹⁰ On the state judiciary levels, the CPA required that each state judiciary should establish the necessary courts provided by the State Constitution (CPA 2005: 38 – Chapter 2: 4.6.1).

2.2.5. Operationalisation of indicators for “political institution-building”

Power-sharing is essential when building a new state so that no one feels marginalized or insecure about the other parties. It is also “essential for stabilisation after conflict and for a transition to democracy and that democratic government can then help to resolve conflict” (Abulemoi 2011: 24). Political institution-building and power-sharing were aspects that received much focus in the CPA. As we have seen above, this dimension consisted of several indicators. In Table 1 below I have induced the most important sub-goals and the means developed to facilitate these goals.

¹⁰ As part of the 10% share of the NCP in Southern states the two parties agreed as follows: the Governor of one Southern State shall be a nominee of the NCP; one Deputy Governor in a different Southern State shall be a nominee of the NCP (CPA 2005: 37 – Chapter 2: 4.5.2).

Table 1 *Scale of measurement I: Criteria for “political institution-building”*

Criteria for preservation of political institution-building	Judicial foundation in the 2005 CPA	Comments/supplementary information
1.a. Has “the unity of the Sudan based on the free will of its people, democratic governance, accountability, equality, respect and justice, for the citizens of the Sudan”, been the priority of the parties? ¹¹	Chapter 1: 1.1	Focus on building a united Sudan.
1.b. Has the implementation of the CPA been monitored and evaluated in accordance with the agreement?	Chapter 1: 2.4	The Assessment and Evaluation Commission (AEC) should conduct two evaluations, both mid-term and at the end of the interim period.
1.c. Has the Interim National Constitution (INC) been “the Supreme Law of the land” during the interim period? ¹²	Chapter 2: 1.5.1.2	Has the INC been the constitution over all the constitutions?
1.d. Have the Government of National Unity (GoNU) decentralised the power by establishing the three main levels of government?	Chapter 2: 1.3	The CPA calls for the establishment of a national level, a southern Sudan level, a state level and a local level (but the local level is hardly mentioned in the CPA).
1.e. Have the political institutions at the national level of government been established?	Chapter 2: 2.1	The CPA requires an executive, a legislative, and a judicial body under all government levels.
1.f. Have the political institutions at the Southern Sudan level of government been established?	Chapter 2: 3.1	The CPA requires an executive, a legislative, and a judicial body under all government levels.
1.g. Have the political institutions at the state level of government been established?	Chapter 2: 4.1	The CPA requires an executive, a legislative, and a judicial body under all government levels.

Chapter 3 will further document and evaluate the extent to which the various goals related to political institution-building have been implemented. It will be essential to trace whether the instruments the CPA established as conditions to reach this goal, have been established.

2.3. Treaty Dimension II: Distribution of Resources

Sudan is abundant in natural resources like oil, minerals, arable land and forests. As a result of this, the issue of land ownership and management, especially of the oil sector, laid the

¹¹ CPA 2005: 2 – Chapter 1: 1.1

¹² CAA 2005: 13 – Chapter 2: 1.5.1.2

foundation for the discussions on wealth sharing. Disagreements in the definitions of surface land and subterranean resources did not make a resolution any easier (Abulemoi 2011: 129). The 2004 wealth sharing protocol in the CPA emphasised the need of an equitable sharing of the Sudan's resources. The unequal distribution of wealth between the North and South has been one of the conflict sources. According to the CPA;

[t]he sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region (CPA 2005: 47 – Chapter 3: 1.4).

The national level of government became throughout the CPA obliged to provide economic transfers to the GoSS and was not allowed to withhold any allocations due to state, region or the GoSS (CPA 2005: 48 – Chapter 3: 1.1.3-4). One important goal for the parties with the signing of the wealth sharing protocol was that South Sudan and other areas in need of reconstruction should be brought up to the same average levels of socio-economic and public standards as the northern states (CPA 2005: 47 – Chapter 3: 1.5-6).

2.3.1. Sharing of oil revenue

Since the discovery of oil in Sudan it has been considered both a cause of the civil war and a reason for its continuation. The oil production in Sudan took off in July 1999 after the finishing of an export pipeline from the South to the North and the Red Sea (Sudan Oil & Gas report Q4 2011: 26). Oil, as the dominant source of income, provided for approximately 98% of total GoSS revenue in 2011 (ICG 2011^a: 20). Oil has had a major impact Sudan's political environment, both domestic and foreign. According to the World Bank (2000: 176), oil has funded the North's war against the South, displacing and killing thousands of Sudanese in the process. Given the oil's importance to the people in Sudan, both parties had high interests in how the oil was to be administered during the interim period. In the CPA, the parties agreed that the framework of the management and development of the petroleum sector during the interim period should include;

[s]ustainable utilization of oil as a non-renewable natural resource consistent with: the national interest and the public good; the interest of the affected states/regions; the interests of the local population in affected areas; [and] national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles (CPA 2005: 51 – Chapter 3: 3.1.1).

Owners of land, or persons who enjoyed the rights of the land where oil existed, were entitled to compensation (CPA 2005: 52 – Chapter 3: 3.1.5). Under the CPA there was established a

common definition of net oil revenue as “the sum of the net revenue (i) from exports of government oil and (ii) from deliveries of government oil to the refineries” (CPA 2005: 54 – Chapter 3: 5.3). The revenues from oil production should according to the CPA be divided 50/50 between the National Government and the Government of Southern Sudan. In addition should at least 2 % of the oil revenue be allocated to the oil producing states in proportion to output produced (CPA 2005: 54 – Chapter 3: 5.5-6).

The CPA provided for the establishment of an independent National Petroleum Commission (NCP) to formulate policies and guidelines on development of the oil sector, and monitor the implementation. The members of the NCP should be the President of Sudan and the President of the GoSS, four permanent members from each of the two governments, and not more than three representatives of an oil producing state or region as non-permanent members (CPA 2005: 52 – Chapter 3: 3.3-4; CPA Monitor April 2011: 21).

2.3.2. Sharing of non-oil revenue

Land is another important resource in the Sudan, as most Sudanese are farmers or nomads, and land is a key to power through exploitation, agriculture, cattle-herding or subterranean resources such as oil or water (Abulemoi 2011: 130).

Without prejudice to the position of the Parties with respect to ownership of land and subterranean natural resources, including in Southern Sudan, this Agreement is not intended to address the ownership of those resources. The Parties agree to establish a process to resolve this issue (CPA 2005: 48 – Chapter 3: 2.1).

As a part of this land-sharing process, the CPA required the establishment of two land commissions, the National Land Commission (NLC) and the Southern Sudan Land Commission (SSLC) with the tasks were to arbitrate between contending parties on claims over land, and sort out such claims (CPA 2005: 49 – Chapter 3: 2.6).

Another important non-oil source of revenue in Sudan has been the collection of taxes. The national government, the GoSS and the states/regions in the country have all been entitled to raise and collect several taxes and licenses. According to the CPA, all these revenues were to be pooled into a National Revenue Fund (NRF). The GoSS should receive 50 % of the national non-oil revenue collected in the South, mainly to cover the development costs in the region during the interim period. The parties also agreed to appeal to the international donor community to help the GoSS in restructuring the area (CPA 2005: 56 – Chapter 3: 7.1-4).

2.3.3. Operationalisation of indicators for “distribution of resources”

Sudan’s resources have been unevenly shared for a long time and have been considered one of the sources to the conflict. A fair sharing of a country’s resources is important for lasting peace. The two most important resources in Sudan are land and oil as discussed in sections 2.3.1. and 2.3.2. The protocol on wealth sharing was signed by both parties despite the lack of agreement on ownership of natural resources. The parties managed to put this aside and reached an understanding (Abulemoi 125-126). Abulemoi (2011: 126) points out that “[t]he success of the [IGAD] negotiations on wealth stem from a decision to leave unresolved the ownership of subterranean natural resources”. The distribution of resource-dimension is operationalised in several indicators listed in the table below (Table 2).

Table 2 *Scale of measurement II: Criteria for “distribution of resources”*

Criteria for preservation of wealth sharing	Judicial foundation in the 2005 CPA	Comments/supplementary information
2.a. Have all the allocations and transfers by the National Government to the states/regions and to the GoSS been fulfilled and not withheld?	Chapter 3: 1.3	No allocations should be withheld.
2.b. Have all areas been brought up to the same average level of socio-economic and public standards as the Northern states?	Chapter 3: 1.5-7	An important goal for the parties.
2.c. Have the net oil revenue been shared correctly 50/50 between the North and South?	Chapter 3: 5.6	
2.d. Have at least 2% of the net oil revenue gone to the state or region in which the oil was produced?	Chapter 3: 5.5	Proportional to produced outcome.
2.e. Have land owners of oil rich land received compensation?	Chapter 3: 3.1.5	
2.f. Has the National Petroleum Commission (NCP) been established in accordance with the CPA?	Chapter 3: 3.3-4	An independent commission to monitor the implementation of the CPA.
2.g. Has the land ownership process mentioned in the CPA started?	Chapter 3: 2.1	The two land commissions.
2.h. Have all the nationally collected revenues been pooled into the National Revenue Fund (NRF) and shared in accordance to the CPA?	Chapter 3: 7.1	50 % to South Sudan to cover the development costs in the region.

2.4. Treaty Dimension III: Military Security

Peace agreements often deal with demands of cessation of hostilities, disarmament, and agreements on border demarcation. This is the essence in the last chapter in the CPA, the 2003 protocol on security arrangements. Abulemoi (2011: 174) emphasised that this protocol provided for two important guarantors for the implementation: the providing of two separate Sudanese armies during the interim period, one in the North and one in the South; and the providing for regional and international peacekeeping forces.

The CPA contained specific security measures on how to achieve military security in Sudan. One aspect was the signing of a ceasefire. In the protocol on security arrangements, the parties agreed to meet at a later time to agree on the specific details of this ceasefire.

2.4.1. The Ceasefire

In the last of the six protocols in the 2005 CPA the parties agree to an

internationally monitored ceasefire which shall come into effect from the date of signature of a Comprehensive Peace Agreement. Details of the Ceasefire Agreement shall be worked out by the two parties together with the IGAD mediators and international experts (CPA 2005: 87 – Chapter 6: 2).

The details of the ceasefire were agreed upon and signed in 2004, and was in the CPA placed in an appendix.¹³ The ceasefire required permanent cessation of hostilities between the two parties within 72 hours after the signing (CPA 2005: 95 – Chapter 6: 5.2). The ceasefire included the areas of South Sudan¹⁴; Nuba Mountains area; Southern Blue Nile area; Abyei area; and Eastern Sudan area.¹⁵ The annexure with details for the ceasefire further explained the duration of the ceasefire, which was supposed to last for the pre-interim period, the interim period and a six months long post-interim period (CPA 2005: 96-97 – Annexure 1: 6-7).

The military mechanisms that should monitor and verify the implementation of the 2005 CPA were: the Ceasefire Political Commission (CPC); The Ceasefire Joint Military Committee (CJMC); The Area Joint Military Committee (AJMC); and the Joint Military Committee (JMTs) (CPA 2005: 102 – Annexure 1: 13.1). The CPC would “supervise, monitor and oversee the implementation of this Agreement” (CPA 2005: 103 – Annexure 1: 14.5.1).¹⁶ The

¹³ Annexure 1 in the CPA “Permanent Ceasefire and Security Arrangements Implementation Modalities and Appendices” (2004) deals with the details of the ceasefire.

¹⁴ Subdivided into Bahr el-Ghazal, Equatoria and Upper Nile

¹⁵ Including Hamashkoreb, New Rasai, Kotanes, Tamarat, and Khor Khawaga

¹⁶ This Agreement being the Ceasefire (not the CPA).

CPC was to be an international “political decision making body” that should monitor the establishment of the Joint Integrated Units. The commission should answer to the Presidency and be mandated by one senior political representative from each party, one senior officer from each party and a special representative of the UN Secretariat, one senior security officer, one legal advisor from each party , one IGAD observer, and one IGAD Partner’s Forum observer. The parties should hold the CPC chair in turns and the commission should reach its decisions by consensus (CPA 2005: 102-103 – Annexure 1: 14.1-4). The CJMC was to be a military decision making body answerable to the CPC that should oversee the activities of AJMC. The committee should be composed of the force commander of the UN Monitoring Mission, the deputy force commander from countries accepted by the parties, three officers from each of the two parties’ forces, the officer in charge of national security at that level, and one police officer from Southern Sudan (CPA 2005: 103-4 – Annexure 1: 14.6.1-3). The AJMC should be established in Juba, Malakal, Wau, Kadugli, Abyei, Damazien and Kurmuk to monitor and verify reported violations and resolve disputes. The committee should be represented by “[t]he most senior UN Officer in the Area [...]; [e]qual number of senior officers from SAF and SPLA; [and] UN monitors” (CPA 2005: 105 – Annexure 1: 14.7.1). The committee should monitor and verify reported violations and resolve disputes. The JMTs should “be the lowest operating unit of the ceasefire monitoring mechanism” (CPA 2005: 106 – Annexure 1: 14.8.1). It should be composed of the UN senior officers at that level, international monitors and equal number of officers from SAF and SPLA. The JMTs should “conduct regular patrols and visits throughout their respective areas to prevent violations, preserve the ceasefire, and assist in building confidence” (CPA 2005: 106 – Annexure 1: 14.8.4). The international monitoring should be carried out by the UN. Under the ceasefire, the parties agreed to request the UN to;

constitute a lean, effective, sustainable and affordable UN Peace Support Mission to monitor and verify this Agreement and support the implementation of the Comprehensive Peace Agreement (CPA 2005: 106 – Annexure 1: 15.1).

The UN should provide technical and financial assistance to the parties, and they should have unrestricted access in the country (CPA 2005: 106 – Annexure 1: 15.2; 15.4).

Another detail to the ceasefire was the establishment of the Demobilization, Disarmament, and Reintegration (DDR) process. The DDR’s overarching aim was to “contribute to creating an enabling environment to human security and to support post-peace-agreement social stabilization across the Sudan, particularly war affected areas” (CPA 2005: 118 – Annexure 1:

23.1). In the CPA reintegration process was defined as “community based [that should] equally benefit[...] returnees and local communities” (CPA 2005: 118 – Annexure 1: 24.6). Demobilisation included either the breakup of armed units or reduction in the number of soldiers. The parties agreed to

implement with the assistance of the international community DDR programmes for the benefit of all those who will be affected by the reduction, demobilization and downsizing of the forces (CPA 2005: 88 – Chapter 6: 3.e).

The CPA also required the establishment of two DDR commissions, one in the North and one in the South, who were charged to “design, implement and manage the DDR process at the [N]orthern and [S]outhern sub-national levels respectively” (CPA 2005: 119 – Annexure 1: 25.1.2). In addition there should be established a National DDR Coordination Council (NDDRCC) to coordinate and evaluate the progress of the two DDR commissions (CPA 2005: 119 – Annexure 1: 25.1.1). The DDR-commissions in the Three Areas (Abyei, Southern Kordofan/Nuba Mountains and Blue Nile) should be joint commissions represented by members from both parties. The DDR-programme explicitly required the demobilisation of all child soldiers within the pre-interim period of six months (CPA 2005: 119 – Annexure 1: 24.9).

2.4.2. The Sudanese army

In accordance with the CPA there should be established new national military units during the interim period, called Joint Integrated Units (JIUs). The JIUs were to be formed from equal numbers from the Sudanese Armed Forces (SAF) and the Sudan People’s Liberation Army (SPLA). The future of the JIUs depended on the results from the 2011 referendum in South Sudan.

The Joint/Integrated Units shall constitute a nucleus of a post referendum army of Sudan, should the result of the referendum confirm unity, otherwise they would be dissolved and the component parts integrated into their respective forces (CPA 2005: 88 – Chapter 6: 4).

The JIUs were to be a symbol of national unity and sovereignty, and their tasks were to defend the country and to help in its reconstruction. The size and deployment of the JIUs throughout the interim period was according to the CPA supposed to be: Southern Sudan: 24 000; Nuba Mountains: 6 000; Southern Blue Nile: 6 000; and Khartoum: 3 000. In the peace agreement, the parties agreed to establish a Joint Defence Board (JDB) to perform the coordination between the remaining of the two forces and be the commander of the JIUs. The

JDB should be composed of the Chiefs of Staff of the two forces, their deputies and four senior officers from each party. There should be rotational leadership by the respective Chiefs of Staff (CPA 2005: 89 – Chapter 6: 5.1; CPA 2005: 109 – Annexure 1: 17.1).

In respect of the remaining soldiers of the two armies that did not get integrated into the JIUs, the CPA stated that in order to end the war;

the two forces, the SAF and the SPLA shall remain separate during the Interim Period, and further agree that both forces shall be considered and treated equally as Sudan's National Armed Forces during the Interim Period (CPA 2005: 87 – Chapter 6: 1.b)¹⁷

Both parties should proportionally downsize their forces on both sides.

Except for those deployed in the Joint/Integrated Units (JIUs), the rest of the forces of SAF currently deployed in the [S]outh shall be redeployed North of the South/North border of 1/1/1956 under international monitoring and assistance within and up to two and one half years (2 ½) from the beginning of the Pre-Interim Period (CPA 2005: 87 – Chapter 6: 3b).

SAF committed to redeploy its forces to the North of the North/South border from the beginning of the Pre Interim Period with complete redeployment within 30 months (CPA 2005: 110 – Annexure I: 18.2).¹⁸

Except for those deployed in the Joint/Integrated Units, the rest of the SPLA forces currently deployed in the Nuba Mountains and Southern Blue Nile shall be redeployed South of the South/North border of 1/1/1956 as soon as the Joint/Integrated Units are formed and deployed under international monitoring assistance (CPA 2005: 87 – Chapter 6: 3c).

SPLA committed to redeploy its forces in the Eastern Sudan to the South of the North/South border from the beginning of the pre interim period with complete reduction of within 12 months.¹⁹ In Eastern Sudan, the redeployment of SPLA forces South of the North/South border of 1/1/1956 should be completed within one year from the beginning of the Pre-Interim Period, and the parties should discuss the issue of establishing Joint/Integrated Units (CPA 2005: 88-9 – Chapter 6: 4c). The SPLA should complete the reduction from Southern Blue Nile and Southern Kordofan/Nuba Mountains within six months after the deployment of the JIUs in those areas (CPA 2005: 110 – Annexure I: 18.4-5).

¹⁷ Except for those deployed in the JIUs

¹⁸ SAF: Reduction by 17 % within 6 months after the signing; reduction by 14 % within 12 months; reduction by 19 % within 18 months; reduction by 22% within 24 months

¹⁹ SPLA: Reduction by 30 % within 4 months; reduction by 40 % within 8 months

The CPA required also that “[n]o armed group allied to either party shall be allowed to operate outside the two forces” (CPA 2005: 89 – Chapter 6: 7.a). All military fractions were to be integrated into either SAF or SPLA forces, “while the rest shall be reintegrated into the civil service and civil society institutions” (CPA 2005: 89 – Chapter 6: 7.b). A DDR-programme should be worked out for the OAGs by the Southern Sudan DDR Commission (SSDDRC) within the pre-interim period with international assistance (CPA 2005: 101 – Annexure 1: 11.6).

2.4.3. Operationalisation of indicators for “military security”

To ensure peace and co-existence it is important with the existence of a ceasefire that is respected by both parties. When starting all over in rebuilding a war-ravaged state, the parties need a guarantee that fights not will reoccur and destroy everything. The CPA protocol on security arrangements consisted of several security aspects. These are all issues that will be a part of the scale of measurement for “military security”, listed in the table below (Table 3).

Table 3 *Scale of measurement III: Criteria for “military security”*

Criteria for preservation of military security	Judicial foundation in the 2005 CPA	Comments/supplementary information
3.a. Has the international monitored ceasefire been kept?	Chapter 6: 2; 5.1	With permanent cessation of hostilities within 72 hours of the signing of the CPA
3.b. Have all the international ceasefire monitoring institutions and committees been established and have they monitored and verified the implementation of the ceasefire?	Annexure 1: 13.1 Annexure 1: 14.1-3 Annexure 1: 14.6.1-3 Annexure 1: 14.7.1-3 Annexure 1: 14.8.1-4 Annexure 1: 15.1-3	Ceasefire Political Commission (CPC); Ceasefire Joint Military Committee (CJMC); Area Joint Military Committee (AJMC); Joint Military Teams (JMTs); and UN Peace Support Mission (UNMIS)
3.c. Has the DDR process been established?	Annexure 1: 23.1	Ex-combatants, child soldiers, special needs groups (females and disabled persons)
3.d. Have the parties respected the 1/1/1956 line between the North and South?	Chapter 4: 8.3	
3.e. Have there been formed and deployed “Joint Integrated Units (JIUs) consisting of equal number from the Sudanese Armed Forces (SAF) and the Sudan People’s Liberation Army (SPLA)” during the interim period? ²⁰	Chapter 6: 4 Annexure 1: 20.1-2; 20.6; 20.8; 20.13.2.1-2	Size and deployment: South Sudan: 24 000 Southern Kordofan/Nuba Mountains: 6 000 Southern Blue Nile: 6 000 Khartoum: 3 000
3.f. Has the Joint Defence Board (JDB) been a coordinator and commander of the JIUs?	Chapter 6: 6 Annexure 1: 17.1; 20.6	Mandate: the Chiefs of Staff from SAF and SPLA; their deputies; and four senior officers from each party
3.g. Have all other armed groups (OAGs) that have operated outside the two forces been integrated?	Chapter 6: 7.a Annexure 1: 11.3	Incorporated into the organised forces of either party (army, police, prisons) or reintegrated into the civil service and civil society organisations
2.h. Were the armed groups (SAF and SPLA) pulled out and redeployed in accordance to the CPA?	Chapter 6: 3.a-c Annexure 1: 18	SAF: complete redeployment within 30 months SPLA: complete redeployment within 12 months

2.5. Treaty Dimension IV: Political Issues

The fourth dimension, which I have named “political issues”, presents the democratic aspects and human rights of the CPA. The CPA does not deal with this dimension in a separate protocol like the previous dimensions. In the CPA, the political and social issues were mainly covered in the protocol on power-sharing. Through the signing of the CPA, a new democratic

²⁰ CPA 2005: 88 – Chapter 6: 4

Sudan was supposed to be established.²¹ South Sudan had for many years been overrun and dominated by the North but under the CPA, the South gained some degree of democratic rights and self-determination. The focus in this paragraph will be on the democratic rights that followed the signing of the CPA.

2.5.1. Population census, elections and representation

According to the CPA, a population census was to be held throughout Sudan and completed by the end of the second year of the interim period, i.e. in 2007. The preparation, planning and organisation for the census were supposed to begin as soon as the peace agreement was signed. Based on the results from the census, general election at all levels of government should be completed by the end of the third year of the interim period, i.e. in 2008.²²

Every citizen shall have the right and the opportunity, without distinctions and unreasonable restrictions, to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors (CPA 2005: 16 – Chapter 2: 1.6.2.11).

International observers should monitor and observe the elections (CPA 2005: 17-8 – Chapter 2: 1.8).

2.5.2. An autonomous South Sudan

The Machakos Protocol said that “the people of South Sudan have the right to self-determination, *inter alia*, through a referendum to determine their future status” (CPA 2005: 2 – Chapter 1: 1.3). The prospect of self-determination was formally raised by the Southern Sudanese as early as 1947. There have existed a general agreement that the civil war was caused both by the colonial policy which divided Sudan between 1899 and 1945, and by the indifference of successive governments after the independence. In addition, the North did not respect the Sudanese diversity and wanted to create an Islamic state. Several pan-ethnic groups in South Sudan did not feel they belonged to the new national state (Abulemoi 2011: 59).

The referendum at the end of the interim period was to be monitored by members from the international society and jointly organized by the GoS and the SPLM/A (CPA 2005: 4 –

²¹ In the CPA the democratic aspects are related to population census, general elections, South Sudan’s vote for secession through a referendum, and human rights

²² The original date decided in the Machakos Protocol was 2008 but this date had to be postponed to 2009 in the CPA (Abulemoi 2011: 94)

Chapter 1: 2.5). Through the referendum the people of South Sudan should decide whether to join a united Sudan or to vote for secession.

2.5.3. Human rights and fundamental freedoms

Under the CPA and the Interim National Constitution, the international human rights became included in Sudan's Bill of Rights (CPA Monitor April 2011: 19-20).

The signing of the Comprehensive Peace Agreement (CPA) on January 2005 and the political and legal reforms that were to follow represented a key opportunity for the Sudanese Government to put an end to a history characterized by widespread human rights abuses and impunity (UN High Commissioner for Human Right 2006: 3).

Several human rights were to be enjoyed under Sudanese law: laws against slavery and torture; laws for personal liberty and fair trials; freedom of expression; universal suffrage; rights of children and equal rights for men and women; equality before the law; and freedom of movement (CPA 2005: 14-17 – Chapter 2: 1.6.2). To monitor the implementation of the “human rights and fundamental freedoms”, the CPA called for the establishment of a Human Rights Commission (HRC) (CPA 2005: 17 – Chapter 2: 1.6.2.16.c)

2.5.4. Operationalisation of indicators for “political issues”

In the international society there exists a general acceptance of human rights. The CPA provided for the adoption of the international human rights under Sudanese law which was welcomed by the Sudanese. The national elections stood as a milestone in the implementation of the CPA as something concrete both parties looked and worked towards. There was a need for democratic elections in the Sudan if the CPA should prevail. Along with the elections, there arose an expectation of a democratic transformation in the aftermath. The electoral performance and accomplishment will be an important dimension for CPA success.

To achieve a successful implementation of the CPA it is essential that the

[t]hose concerned about the civilian population should agree on a comprehensive approach to achieving respect for human rights, with coordinated, simultaneous actions on multiple fronts (Human Rights Watch 2009: 1).

The concerned parties in and outside Sudan need to remember that negligence of humanitarian issues can escalate into further insecurity and violations of the human rights, which again can spread to the rest of the country. “Sudan is entering yet another critical period in its political history, with human rights still under immense threat” (Human Rights Watch 2009: 1).

From the content in the CPA on this issue, I have derived a set of indicators that will later be used to measure the grade of implementation of the CPA. These indicators are listed in Table 4.

Table 4 *Scale of measurement IV: Criteria for “political issues”*

Criteria for preservation of political and social issues	Judicial foundation in the 2005 CPA	Commentary/supplementary information
4.a. Has the population census been held as planned through the Sudan?	Chapter 2: 1.8.1	Scheduled to take place by the end of 2007
4.b. Have democratic general elections been held as planned through the Sudan?	Chapter 2: 1.8.3	Scheduled to take place by the end of 2008
4.c. Did international observers participate in the observation of the elections and how did they perceive the performance?	Chapter 2: 1.8.7 Chapter 2: 1.6.2.11	Universal suffrage
4.d. Did “the people of Sudan (get) the right to self-determination, <i>inter alia</i> , through a referendum to determine their future status”? ²³	Chapter 1: 1.3	The establishment of Southern Sudan Referendum Commission
4.e. Have the international human rights treaties been respected under Sudanese law or have they been violated?	Chapter 2: 1.6.2.	

2.6. Treaty Dimension V: Economic Development and Institution Building

In the third protocol of the CPA, the 2004 protocol on wealth sharing, the international society promised economic assistance in the reconstruction of post-conflict Sudan. This promise was a strong incentive for the two warring parties to sign the peace agreement. Peace-building requires financial resources. When a state can provide the basic services such as education and health care, the people start to build confidence in the government (Abulemoi 2011: 188).

In the CPA, the Parties agreed on general principles related to the fiscal process including transparency, decentralization and a commitment to reduce regional inequities (CPA Monitor April 2011: 23).

2.6.1. Financing the Transition

The national government together with international organisations were required by the CPA to assist the GoSS in the establishment of the new transitional governments during the pre-interim period. But the financial costs should mainly be covered by the GoSS. The subjects of

²³ CPA 2005: 2 – Chapter 1: 1.3

highest priority were public finance and intergovernmental relations (CPA 2005: 48 – Chapter 3: 1.15-16). A Joint National Transition Team (JNTT) should, in accordance with the CPA, be established upon the signature of the agreement. The JNTT should have as its main task to prepare budgets for the establishment of all the different levels of government through the Sudan (CPA 2005: 58 – Chapter 3: 13.1-2).

2.6.2. A Dual Banking System

During the pre-interim period the parties agreed to establish the Bank of Southern Sudan (BoSS) as a branch of Central Bank of Sudan (CBoS) to represent the duality in Sudan. The CBoS should therefore;

use and develop two sets of banking instruments, one Islamic and the other Conventional, to regulate and supervise the implementation of a single monetary policy through: (i) an Islamic financing window in Northern Sudan under a deputy governor of CBoS using Islamic financing instruments to implement the national monetary policy in Northern Sudan; and (ii) the Bank of Southern Sudan (BOSS), headed by a deputy governor of CBoS, to manage the conventional window using conventional financing instruments in implementing the same national monetary policy in Southern Sudan (CPA 2005: 59 – Chapter 3: 14.3).

CBoS' most important role should be to ensure price stability and maintain a stable exchange rate (CPA 2005: 59 – Chapter 3: 14.2-6).

2.6.3. Fiscal Funds and Commissions

The CPA also called for the establishment of two Multi-Donor Trust Funds during the pre-interim period; one for the national government and one for the GoSS. The MDTFs should

be operational for the Pre-Interim Period, and [should] thereafter be transformed into (i) one MDTF dedicated to the Southern Sudan Reconstruction and Development Fund (the “SRRDF”); and (ii) one MDTF dedicated to the National Reconstruction and Development Fund (the “NRDF”) (CPA 2005: 61 – Chapter 3: 15.5).

The MDTFs should receive foreign funds from international donors.

The Fiscal and Financial Allocation and Monitoring Commission (FFAMC) should be established to “ensure transparency and fairness both in regard to the allocation of nationally collected funds to the states/regions and the Government of Southern Sudan” (CPA 2005: 57 – Chapter 3: 8.1). The members of the commission would be experts appointed by the various states and regions, the Government of Southern Sudan and the National Government in addition to three representatives from both governments, and all finance ministers in all states and regions in the Sudan (CPA 2005: 57 – Chapter 3: 8.3). The FFAMC's duties should be to;

[m]onitor and ensure that equalization grants from the National Revenue Fund are promptly transferred to respective levels of government; [e]nsure appropriate utilization and sharing of financial resources; [e]nsure that resources allocated to war affected areas are transferred in accordance with agreed upon formulae; and [e]nsure transparency and fairness in the allocation of funds to the GoSS and states/regions according to established ratios or percentages stipulated in this Agreement (CPA 2005: 57 – Chapter 3: 8.2).

2.6.4. Operationalisation of indicators for “economic development and institution building”

From the economic dimension in the CPA we can conclude that the road towards economic development in Sudan relies on several aspects. The establishment of economic institutions is an important goal when restructuring the country. Several areas in Sudan, especially in the South and in the Three Areas, have suffered major damages from the civil war. The financing of rebuilding the Sudan should happen through the establishment of different economic funds. To establish trust and belief in the economic institutions between the parties, it is important with a transparent economic system. From the economic aspect in the PCA, I derive the following set of indicators (Table 5):

Table 5 *Scale of measurement V: Criteria for “economic development and institution building”*

Criteria for preservation of economic development and institution building	Judicial foundation in the 2005 CPA	Commentary/supplementary information
5.a. Have the national government and international organisations financially assisted the GoSS in the establishment of the transitional governments?	Chapter 3: 1.15-16 Chapter 3: 15.1-11	The Southern Sudan National and Reconstruction Fund (SSRDF) and the National Reconstruction and Development Fund (NRDF).
5.b. Has the Joint National Transitional Team (JNTT) prepared budget estimates for the establishment for the levels of government?	Chapter 3: 13.1-2	
5.c. Has the CBoS “develop(ed) two sets of banking instruments, one Islamic and the other Conventional”? ²⁴	Chapter 3: 14.1-5	Islamic in the North and conventional in the South.
5.d. Has the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) ensured transparency and fairness in regard to the allocation of nationally collected funds?	Chapter 3:8.1	Represented by experts appointed by the various states and regions.

2.7. Treaty Dimension VI: Regional Issues: Abyei Region

Under the 2005 CPA, the three disputed areas Abyei, Southern Kordofan/Nuba Mountains and Blue Nile state were dealt with separately in two protocols. I have therefore decided to also deal with them separately in this study. All the three areas lie on the border between North and South and the conflicts in these three areas “cannot be separated from the long-standing conflict in the Sudan as a whole” (Abulemoi 2011: 151).

Abyei is situated between the region Bahr el-Ghazal and the state Southern Kordofan, and is in every way caught between North and South: geographically, ethnically and politically. As the CPA puts it: “Abyei is a bridge between the [N]orth and the [S]outh, linking the people of Sudan” (CPA 2005: 65 – Chapter 4: 1.1.1). In the CPA the Abyei area is defined as “the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905” (CPA 2005: 65 – Chapter 4: 1.1.2). Abyei is home to both the Ngok Dinka tribe and the Messeriya tribe, Arabic cattle herders who live in the North and North-East. When the first Sudanese civil war broke out,

²⁴ CPA 2005: 59 – Chapter 3: 14.2

these two tribes chose different paths; the Ngok Dinkas were drawn towards the Southern Anya-Nya militia, while the Messeriya were drawn north. Abyei became a major point of tension that increased further after the discovery of oil in 1979 (Abulemoi 2011: 149-50).

The conflict in Abyei has by many analysts been described as the most tense aspect in the 2005 CPA. The Messeriya, supported by the North, claimed that the Ngok Dinka chiefdoms of 1905 were south of the Bahr El-Arab River, and that the Misseriya people had settled permanently in Abyei long before the Ngok Dinka arrived. The Ngok Dinka and SPLM, however, disagreed, and claimed that the Ngok Dinka chiefdoms were both north and south of the river (Abulemoi 2011: 155).

The protocol on the 2004 protocol on the resolution of the conflict in Abyei dealt with several of the conflicted issues. The demarcation of borders and sharing of oil from the area were among the issues brought up in the CPA that I will be taking a closer look at here.

2.7.1. State building

The protocol concerning the Abyei area gave the area *special administrative status* under the presidency (CPA 2005: 66 – Chapter 4: 2.1). During the six year long interim period the residents of Abyei, defined as the members of Ngok Dinka community and other Sudanese situated in the area, should be represented in the legislatures of both Western Kordofan and Bahr el Ghazal (CPA 2005: 68 – Chapter 4: 6.1-2). The national government was bound to provide assistance to improve the lives of the peoples of Abyei, and “[i]nternational monitors [would] be deployed [...] to ensure full implementation of the[...] agreements” from the CPA” (CPA 2005: 65 – Chapter 4: 1.2.5). The Misseriya and other nomadic people should retain their traditional rights to graze cattle and move across the territory of Abyei (CPA 2005: 65 – Chapter 4: 1.1).

Abyei was to be administered by a local executive council, elected by the residents of Abyei, during the interim period. The members of the council should be appointed by the presidency until the time of the elections (CPA 2005: 66 – Chapter 4: 2.1-2). The presidency should also “determine the executive, legislative and financial powers and competencies of the special status of Abyei Area” (CPA 2005: 66 – Chapter 4: 2.6).

An Abyei Area Council, comprised of not more than 20 members, should;

[i]ssue local elements within the powers of local government and on customary matters; [a]pprove the budget of the Area; [and] [a]dopt reconstruction, development and urbanization plans for the Area (CPA 2005: 67-68 – Chapter 4: 4.1-3).

At the end of the interim period, simultaneously with the referendum for Southern Sudan in July 2011, the residents of Abyei would cast a separate ballot. The propositions voted on in the ballot would present the residents of Abyei with the following choices: “[t]hat Abyei retain its special administrative status in the [N]orth; [or] [t]hat Abyei be part of Bahr el Ghazal” (CPA 2005: 65-6 – Chapter 4: 1.3). Until the referendum, the January 1, 1956 line should be inviolate. The presidency should establish an Abyei Referendum Commission to overview the referendum (CPA 2005: 69 – Article 8.1).

2.7.2. Border Demarcation

Abyei’s geographic placement and oil rich land makes it attractive to both parties. The Abyei protocol stated that: “[t]he January 1, 1956 line between [N]orth and [S]outh will be inviolate” (CPA 2005: 66 – Chapter 4: 1.4). The Abyei Boundary Commission (ABC) should be established to define and demarcate the Abyei area. This should happen within the first two years of the interim period. The commission should consist of experts, representatives of the local communities and the local administration (CPA 2005: 68 – Chapter 4: 5.1-3).

2.7.3. Financial Resources

The CPA protocol on the conflict in Abyei called for the help from national, regional and international financial resources in the development of the area. Through the CPA wealth sharing agreement, Abyei was entitled to its share of national revenues in addition to local revenues, like income taxes and revenues from the Abyei oil production. Abyei was also entitled to a share of the National Reconstruction Development Funds (NRDF), a share of the Southern Sudan Development and Reconstruction Fund (SSRDF) and foreign donations and grants (CPA 2005: 67 – Chapter 4: 3.2.3-5; Abulemoi 2011: 156). “The National Government shall appeal to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area” (CPA 2005: 67 – Chapter 4: 3.4).

Sudan’s biggest oilfield, Heglig, is situated in Abyei. The CPA stated that during the interim period, the sharing of the net oil revenues from Abyei Area should be between the national government (50 %), the Government of Southern Sudan (42 %), the Bahr el Ghazal region (2 %), the Western Kordofan (2 %), locally with the Ngok Dinka (2 %), and locally with the Misseriya people (2 %) (CPA 2005: 67 – Chapter 4: 3.1).

2.7.4. Operationalisation of indicator for “regional issues: Abyei region”

To establish peace and agreement on the conflicted area of Abyei it is important to define the borders of Abyei area and its residents. Without an established agreement saying who has the right to vote, the referendum cannot be completed. Much because of Abyei’s oil rich soil, the conflict on boundary demarcation has been extra difficult to solve. The redeployment of SAF and SPLA troops and the deployment of JIUs in Abyei were also a part of the Abyei protocol but this aspect was dealt with under the dimension of military security. The indicators by which I will grade the implementation of the Abyei area are listed in the table below, Table 6.

Table 6 *Scale of measurement VI: Criteria for “Regional Issues: Abyei region”*

Criteria for preservation of regional issues: Abyei	Judicial foundation in the 2005 CPA	Commentary/supplementary information
6.a. Has Abyei been “accorded special administrative status under the institution of the Presidency” and been “administered by a Local Executive Council, elected by the residents of Abyei”? ²⁵	Chapter 4: 2.1-2.2; 4.1-3	Represented in the legislatures of both Western Kordofan and Bahr el Ghazal Abyei Area Council
6.b. Have international monitors been deployed to ensure <i>full</i> implementation of the agreement?	Chapter 4: 1.2.5	
6.c. Has the Presidency established “an Abyei referendum Commission to conduct Abyei referendum simultaneously with the referendum of Southern Sudan”? ²⁶	Chapter 4: 8.1	Should Abyei retain its special administrative status in the North or be a part of Bahr el Ghazal?
6.d. Has the Abyei Boundary Commission demarcated the Abyei area?	Chapter 4: 5.1-3	The commission should include experts and local representatives and it should have finished its work within 2 years.
6.e. Were net oil revenues from Abyei area shared in accordance with the CPA during the interim period?	Chapter 4: 3.1	Divided by six
6.f. Has Abyei received the share of national revenue and government assets it is entitled to and according to the CPA?	Chapter 4: 1.2.4.; 3.2	Allocations from the NRDF and SSRDF
6.g. Has the national government “appeal[ed] to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area”? ²⁷	Chapter 4: 3.4	

2.8. Treaty Dimension VII: Regional Issues: Southern Kordofan/Nuba Mountains and Blue Nile State

The Southern Kordofan/Nuba Mountains area is a large region situated in the centre of the Sudan. The Greater Kordofan, established by the British in 1929, was in 1974 divided into

²⁵ CPA 2005: 66 – Chapter 4: 2.1-2

²⁶ CPA 2005: 69 – Chapter 4: 8.1

²⁷ CPA 2005: 67 – Chapter 4: 3.4

North and South Kordofan/Nuba Mountains. There live about 2 million people in the Nuba Mountains, where the indigenous Nuba are the majority and the rest are Arab cattle herders from the Baggara tribe and a small minority from West Africa. Much because of the fertile environment in the region, it “became a main target for Khartoum’s enforced introduction of mechanised farming in the 1970s” (Abulemoi 2011: 151). The Blue Nile State is situated in the Southeastern part of Sudan and borders to Ethiopia in the East and Southeast. The state has fertile soil which receives much rainfall during the year and is therefore well fit for cultivation. The people of Southern Kordofan/Nuba Mountains and the Blue Nile are not, like the people of Southern Sudan, fighting for an independent state. “They wanted to be part of a new Sudan based on equality, democracy, respect of human rights and fundamental freedoms” (Abulemoi 2011: 160). Instead of including a referendum in the areas, the CPA guaranteed autonomy in several areas under the administration of the GoS (Abulemoi 2011: 160).

Through the CPA, the Government of Sudan and the Sudan People’s Liberation Movements committed themselves to end the war in Southern Kordofan/Nuba Mountains and Blue Nile States in a just and fair way (CPA 2005: 74 – Chapter 4: 3).

2.8.1. State Building

The CPA verified citizenship as the basis for equal rights and duties, regardless of ethnicity or religion. The agreement also stated that the structure of the state governments in Southern Kordofan and the Blue Nile should consist of a state executive including a governor, a State Council of Ministers and local government; a state legislature; and the state judiciary (CPA 2005: 74 – Chapter 5: 4.1-4). The governorship was to be rotational and “[n]o one Party [was] to hold the Governorship in both states at the same time” (CPA 2005: 80 – Chapter 5: 11.1.2). Prior to the first election the executive and legislature in the two states should be allocated with 55% to the National Congress Party and 45 % to the SPLM. The people in the two states should be heard through popular consultation, which “is a democratic right and mechanism to ascertain the views of the people of Southern Kordofan/Nuba Mountains and Blue Nile States on the comprehensive agreement” (CPA 2005: 74 – Chapter 5: 3.1). The two states should further be adequately represented in other national institutions with a percentage not less than the ratio of their population size (CPA 2005: 80 – Chapter 5: 11.2).

The legislatures of the two States should each establish a parliamentary Assessment and Evaluation Commission (AEC) to assess and evaluate the implementation of the agreement in

each State. The commissions should submit their reports to the legislatures of the two states by the fourth year of the signing of the CPA (CAP 2005: 74 – Chapter 5: 3.3).

2.8.2. Financial Resources

The states should raise and collect taxes and revenues as stated in the CPA. The CPA stated that government assets should be shared *fair and equitable*.

An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related [...] There shall be at the State's level accounting standards, procedures and fiscal accountability institutions operating in accordance with generally accepted accounting standards and procedures to ensure that funds are distributed according to the agreed Government budget and properly expended having regard to value for money (CPA 2005: 78 – Chapter 5: 8.14-5).

If the state was an oil producing state, the state was entitled to 2 % of the oil produced in that state (CPA 2005: 77 – Chapter 5: 8.2-3). Through the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) the states should be ensured transparency and fairness regarding the states' allocations from the nationally collected revenues and also be ensured that no allocations are withheld. The FFAMC should also transfer allocations to war-affected areas, as agreed in the protocol on wealth sharing (CPA 2005: 77-8 – Chapter 5: 8.4; 8.8). These allocations would depend and vary due to different indicators like the population size, minimum expenditure responsibilities, Human Development Index, geographical area, fiscal effort, and the effect of war factor. In addition, the states should receive an amount of money from the President and the parties also agreed to appeal to the donor community (CPA 2005: 78 – Chapter 5: 8.9-15).

A total of 75 % of the National Reconstruction and Development Fund (NRDF) should be allocated to help developing war affected and least developed areas, particularly Southern Kordofan/Nuba Mountains and Blue Nile States (CPA 2005: 77 – Chapter 5: 8.5-7).

2.8.3. Operationalisation of indicators for “Regional Issues: Southern Kordofan/Nuba Mountains and Blue Nile States

As mentioned earlier, the Southern Kordofan/Nuba Mountains and Blue Nile state did not fight for independence. So instead of including a referendum, the CPA guaranteed autonomy in several areas. A major focus in the protocol on resolution of the conflict in the two states was the rebuilding of the war-affected areas. A large share of the National Reconstruction and Development Fund was to rebuild Southern Kordofan/Nuba Mountains and Blue Nile state in

particular. I have derived a set of indicators from the CPA protocol on the two areas, which I have listed in Table 7.

Table 7 *Scale of measurement V: Criteria for “regional issues: Southern Kordofan/Nuba Mountains and Blue Nile State*

Criteria for preservation of regional issues: Southern Kordofan/Nuba Mountains and Blue Nile State	Judicial foundation in the 2005 CPA	Commentary/supplementary information
7.a. Have popular consultations been used as a “democratic right and mechanism to ascertain the views of the people of Southern Kordofan/Nuba Mountains and Blue Nile State”? ²⁸	Chapter 5: 3.1	
7.b. Have each of the two states established a State government with a state executive, a state legislature and a state judiciary, and has the system with rotational governorship in the states “with each Party holding the Office of Governor for half of the pre-election period”, been successful? ²⁹	Chapter 5: 4.1-4 Chapter 5: 11.1.2	
7.c. Have the legislatures of the two states established “a Parliamentary Assessment and Evaluation Commission to assess and evaluate the implementation of the agreement in each State”? ³⁰	Chapter 5: 3.3	The AEC’s should submit their reports by the 4 th year of the interim period
7.d. Have the two states received transfers and government assets as required by the CPA in order to develop the war affected and least developed areas?	Chapter 5: 8.5; 8.8	75% of the NRDF Transfers from the FFAMC

²⁸ CPA 2005: 74 – Chapter 5: 3.1

²⁹ CPA 2005: 80 – Chapter 5: 11.1.2

³⁰ CPA 2005: 74 – Chapter 5: 3.3

3 Implementation of the CPA: Empirical Documentation and Partial Analyses

More than seven years have passed since the signing of the CPA that ended the civil war in Sudan but the six year long interim period only ended last year, in January 2011. The main question asked in this thesis is: to which degree and in what way has the Comprehensive Peace Agreement been implemented by the parties in the Sudanese civil war after the signing in Naivasha, Kenya on 9 January 2005? In this chapter, a systematic attempt is made to shed light on this question. I will start by mapping out the implementation of the CPA along the seven dimensions accounted for in the previous chapter. This will give me an empirical foundation to *analyse* the degree and character of the implementation of the CPA. Sometimes the data will be of a character that makes it easy to transform into a grading system. In far more of the cases the data will demand a qualitative judgement from my side. In both cases, my judgement will be ranged along a scale with five values:

- “not implemented” (0-10 % implemented)
- “scarcely implemented” (11-33 %)
- “partially implemented” (34-66 %)
- “largely implemented” (67-89 %)
- “fully implemented” (90-100 %)

The empirical timeframe goes from the signing the CPA on 9 January 2005, and to 9 July 2011, that is the six year long interim period.

3.1. Implementation of “political institution-building”

One important factor for the peace agreement to be considered successful was the sharing and decentralisation of power. This power-sharing involved three main levels of government: a national level; a southern Sudan level; and a state level. Under the peace negotiations the parties agreed to an autonomous South during the interim period. Many were surprised that the North agreed to this because of the risk of losing oil rich land if the South decided to vote for secession in the 2011 referendum.

3.1.1. Political Institution-building – A United Sudan (Indicator 1.a.)

The 2002 Machakos protocol declared the South’s right to self-determination. At the same time the protocol encouraged the two parties to make the unity of Sudan an attractive option. The CPA was to a large extent a compromise between these two movements existing within

each of the two parties: unionists and separatists (Ahmed 2009: 139). On this backdrop, I ask whether the unity of Sudan has been the priority of the parties during the interim period?

The SPLM's founder and previous leader, John Garang, led the unionist faction within the party, with some support from the North. This faction has been influential mainly because of strong leadership and Garang's ability to hold together a large, but ethnically divided and politically factionalised SPLM as many of the party's key leaders have always been secessionist more than unionist. This separatist section of the SPLM gained significant ground after Garang's death in 2005 (Ahmed 2009: 143). The South's 98 % majority in the 2010 referendum towards self-determination displayed a clear southern desire of separation from the north.³¹

South Sudan has not always fought for separation from the North. The claim for self-determination surfaced in the early 1950s after the Islamists came to power. The Machakos protocol therefore represented an admission on one of the, until then, non-negotiable principles for the NCP, "de facto compromising on the unity of, or more accurately, on the hegemony over the whole territory" (Ahmed 2009: 140). This makes it one of the most important elements of the peace deal. However, by establishing a "one country-two systems" the challenge would be to transform this model into "one country-one system" before the referendum (Abulemoi 2011: 72).

To work for unity in a country that has experienced 40 years of civil war cannot be easy. Ahmed (2009) argues that the North's acceptance of an autonomous South with a right to self-determination through a referendum is a step towards unity because of North's concession of the South's right to independence. I, however, argue that the work towards a united Sudan was complicated with the South gaining autonomy. This brought along a deeper cleavage because the South suddenly was one step closer to self-determination. The death of SPLM leader and unionist John Garang, the one that could have achieved unity, made a united Sudan even less possible. I therefore categorize this indicator to "not implemented" (0-10 %).

³¹ The Southern referendum is dealt with under Dimension IV: Political and social issues

3.1.2. Political Institution-building – The Assessment and Evaluation Commission (Indicator 1.b.)

To ensure a correct implementation, the CPA called for the establishment of a commission to monitor the implementation. Has the controlling organ, the Assessment and Evaluation Commission (AEC), monitored and evaluated the implementation of the CPA during the interim period?

The AEC was established on 30 October 2005. The commission consisted of equal members from each of the two parties (three from NCP and three from SPLM), representatives from IGAD (Kenya and Ethiopia), and representatives from Italy, the Netherlands, Norway, the UK and the USA (AEC 2012). The total membership was of 13 members and four observers who met in plenary sessions once a month. The AEC was further divided into four working groups, each group lead by international members: power-sharing (Italy); wealth-sharing (USA); security arrangements (UK); and the three areas (Netherlands) (CPA Monitor April 2011: 9). During the interim period, the AEC produced both a mid-term and a final evaluation. In addition it has also produced a factual report on the CPA implementation, and two annual evaluation reports.

The AEC was established short time after the signing of the CPA, as the treaty required. The AEC mandate was also consistent with the CPA, with equal representation of the two parties supplemented by representation by the third-parties, and they have met once a month for six years. In addition the commission has produced the two reports the CPA required, one mid-term and one final report. Based on these facts I claim the AEC has monitored the implementation of the CPA sufficiently enough to be labelled “fully implemented” (90-100 %).

3.1.3. Political Institution-building – The Interim National Constitution (Indicator 1.c.)

In Table 1 I asked whether the Interim National Constitution (INC) had been “the Supreme Law of the land, the Southern Sudan Constitution, [and the] state constitutions” during the interim period” (CPA 2005: 13 – Chapter 2: 1.5.1.2)? This indicator can be rather challenging to measure.

President Omar Al-Bashir signed the INC into law on 9 July 2005. The INC was prepared by the National Constitution Review Commission (NCRC). In accordance with the CPA, the NCRC consisted of representatives from both parties, with 31 members from the NCP, 17

from the SPLM, eight from northern political parties and four from southern political forces (CPA Monitor April 2011: 2).

One challenge has been the compatibility to the INC of the constitutions of the Southern states. There have been delays at state level, especially in the south and in the three areas of Abyei, Southern Kordofan and Blue Nile (AEC 2008: 14). This implies that the state constitution has been respected as the superior law.

It is difficult to measure to which degree a constitution has been valid. The INC was written by a representative mandate, adopted by the president after short time and is seemingly respected by the other constitutions. It has however been difficult to find information about the INC's superior role. I grade the implementation of the INC to "largely implemented" (67-89%).

3.1.4. Political Institution-building – Decentralisation of Power (Indicator 1.d.)

In order to establish power-sharing in Sudan, have the Government of National Unity decentralised the power into a federal system by establishing the main three levels of government: a national level; a Southern Sudan level; and a state level. Does the GoNU reflect the unity requested in the CPA, both in its mandate and in its work?

The Government of National Unity (GoNU) was established by president Al-Bashir and sworn in on 22 September 2005, largely in accordance with the CPA power-sharing formula but after considerable delays. Three years after the establishment of the GoNU, interviews with people in both Khartoum and Juba showed that the new united government was still considered to be run by "a single authoritarian Islamist party, [the NCP], and not by a new hybrid government" (Abulemoi 2011: 89). The transformation from a monopoly of power by a Northern elite, through power-sharing, to a reformation of legislation on the national level, did never happen. Since the CPA first and foremost dealt with making peace between the two main warring parties, the NCP and the SPLM/A, some of the critique towards the agreement have been the failure to include all the interested parties in the GoNU. This exclusion has led to marginalised people taking up arms to protect their interests (Abulemoi 2011: 88).

The GoNU was established in time by a commission represented by both parties. The GoNU has also decentralized the power by preparing for the establishment of the three levels of

government. However, it seems that this power-sharing only exists on paper, not in practice. The Islamist monopoly in Khartoum has not ended. I grade this indicator to “scarcely implemented” (11-33 %).

3.1.5. Political Institution-building – Political Institutions at the National Level (Indicator 1.e.)

Above I stated that decentralisation of power had been scarcely implemented in Sudan. I will now study whether or not the different government levels have managed to establish the required political institutions. I will start by asking if the executive, legislative and judicial institutions at the national level of government been established?

The national executive body was, according to the CPA, to consist of a presidency and a council of ministers. The three-member Presidency was appointed on 9 July 2005. Omar Al-Bashir was sworn as president, John Garang as first vice president and Ali Osman Taha as vice president. Salva Kiir was after short time sworn in as new first vice president following the death of John Garang in a helicopter crash on 30 July 2005 (CPA Monitor April 2011: 2).³² The council of ministers was supposed to be represented as follows: NCP (52 %); SPLM/A (28 %); other Northern political forces (14 %); and other Southern political forces (6 %). After delays in the allocation of the ministerial offices, the NCP got five major ministries, six economic departments and four service ministries.³³ The SPLM gained the council of ministers and of foreign affairs, three economic departments and three service ministries.³⁴ Other southern political groups took two ministries. In total there were 12 presidential advisors, 28 ministers and 33 state ministers. Compared to the GoNU, the national council of ministers have managed to represent the marginalised factional parties (Abulemoi 2011: 90-91).

The national legislature, the Council of States and the National Assembly, was formed on 31 August 2005. The Council of States had then, as the CPA required, two representatives from each of the 25 states (CPA Monitor April 2011: 3). The NA had 450 members where membership was allocated according to the CPA’s power-sharing formula: the NCP got 234 seats; the SPLM got 126 seats; the Northern political forces got 55 seats; the Southern

³² Salva Kiir was sworn in on 11 August 2005.

³³ The ministries including energy, mining and defence

³⁴ Including higher education.

political forces got 27 seats; and national personalities got 8 seats. The NA had 20 standing committees (CPA Monitor April 2011: 3).³⁵

On 28 November 2005, President Al-Bashir appointed the chief justice and deputy chief justices to serve during the interim period. The NA approved the Constitutional Court Act on 1 October 2005 and it was signed into law by the President in November. On 31 December 2005, the President and the rest of the members of the Constitutional Court were sworn in. The establishment of the national judiciary had in 2011 however not yet had the expected effect. The challenge was to strengthen the weak judiciary system and to support a fair reform, valid to all (Abulemoi 2011: 105).

Based on the representative membership and the establishment of all the required institutions, I grade the national level of government to “largely implemented” (67-89%).

3.1.6. Political Institution-building – Political Institutions at the Southern Sudan Level (Indicator 1.f.)

I continue by asking the same question as above, only now to deal with the political institutions at the Southern Sudan level of government. Have the executive, legislative and judicial institutions in South Sudan been established?

The Government of Southern Sudan was created as a temporary autonomous government as a consequence of the CPA on 22 October 2005. As mentioned before, the first GoSS president was the founding leader of SPLM, John Garang, who also became the first vice president of the Republic of Sudan. After only three weeks in office, Garang died in a helicopter crash. He was succeeded by the Vice President Salva Kiir and Riek Machar was then appointed GoSS vice president (CPA Monitor April 2011: 16-7). Salva Kiir signed the Interim Constitution of Southern Sudan into law on 5 December 2005. For the first time South Sudan had its own president who did not had to answer to Khartoum, with his own Council of Ministers who only answered to him (Abulemoi 2011: 112). Each of the ten states was represented at the ministerial level. Still, the composition of the GoSS has been criticized because the smaller tribes were not represented. Southern Muslims were also excluded and women held only two of the 22 ministerial posts (CPA Monitor April 2011: 16).

³⁵ Calculated to percentage this means that the NCP is represented by 52% in the NA, the SPLM by 28, other northern political forces by 12.2% and other southern political forces by 6%.

A transitional Southern Sudan Legislative Assembly (SSLA) was appointed on 20 September 2005 by the president. The SSLA was composed of 161 members: 110 from SPLM, 25 from NCP, and 26 from other Southern political parties (CPA Monitor April 2011: 17-18).

After the establishment of the GoSS, the South had for the first time control over its own judicial level of government. However, the judiciary branch in the south existed to a large extent only on paper. In practice, the GoSS was “far from having an effectively functioning administration of justice because of a lack of qualified personnel” (Abulemoi 2011: 114). The 2008 mid-term evaluation done by the AEC strongly recommended strengthening the judiciary in the South (AEC 2008: 3).

After the signing of the CPA, the GoSS’ legislative and executive powers became vested in the President and the Southern Sudan Assembly. However, years after the signing, GoSS existed in name only. Ministers have been appointed but the institutions lacked basic supplies and qualified personnel. Most of the GoSS ministers were previous military soldiers who had fought and lived with Garang in the jungle and who had never before had any experience or education in running a country (Kristiansen 2009).

Even though most of the institutions at the southern Sudan level have been established they seem far from functioning. The lack of qualified personnel makes the GoSS exist mainly on paper. This level of government I grade to “scarcely implemented” (11-33 %).

3.1.7. Political Institution-building – Political Institutions at the State Level (Indicator 1.g.)

The CPA protocol on power-sharing provided for a federal system with governments at state level which were supposed to take over several significant powers from the national and Southern governments (Abulemoi 2011: 119). It naturally follows here to ask whether the political institutions at the state level of government have been established?

All 25 states have adopted the state constitutions of the Northern and Southern states. The legislative, the executive and the judicial institutions have also been established in accordance to the CPA and governors appointed in all the states (AEC 2008: 14). All the state’s executives should consist of the state governor, the state council of ministers and local governments (CPA Monitor April 2011: 19). The remaining challenge was, as mentioned above, the compatibility to the INC of the constitutions of the Southern states. There were

delays in establishing some key institutions especially in the South and in the Three Areas (AEC 2008: 14).

Out of the little facts I have managed to find about the state level of government, it seems that most of the state institutions have been established. The 2008 AEC mid-term report only mentioned the disagreement between the Southern states' constitutions and the INC, and some delays in the South, Abyei, Southern Kordofan and Blue Nile States. Based on this I will grade the state level of government to "partially implemented" (34-66%).

3.1.8. Summary of Actual Implementation of Dimension I: Political Institution-building

At a first glance it seems that the decentralisation of power in Sudan has come a long way.

Most of the required institutions have been established with the prescribed mandate.

However, I get the impression that the sharing of power exists mainly on paper and not in the real world. Khartoum is still the centre of power where most decisions get decided. To be able to give a better overview of all the indicators derived from the dimension "political institution-building" with the pertaining results, I will give a summary of Dimension I in the table below (Table 8).

I have calculated the mean level of implementation for Dimension I which is 3 on a scale varying from 1 to 5. This I have done by giving each percent-interval a number: "not implemented" – 1; "scarcely implemented" – 2; "partially implemented" – 3; "largely implemented" – 4; and "fully implemented" – 5. Then added all these numbers together (22) and divided that number on numbers of indicators (7). The same procedure will be applied for the remaining dimensions – feeding in to the subsequent aggregate analysis.

Table 8 *Detailed evaluation of implementation (I): Political institution-building*

Criteria/indicator	Central facts	Evaluation of implementations status
1.a. Has “the unity of the Sudan based on the free will of its people, democratic governance, accountability, equality, respect and justice, for the citizens of the Sudan”, been the priority of the parties? ³⁶	South Sudan chose self-determination with more than a 98% majority. This shows that less than 2% of the southern population voted for unity.	“not implemented” (0-10 %)
1.b. Has the implementation of the CPA been monitored and evaluated in accordance with the agreement?	The AEC has performed it’s given tasks in time with the correct mandate	“fully implemented” (90-100 %)
1.c. Has the Interim National Constitution (INC) been “the Supreme Law of the land” during the interim period? ³⁷	It is difficult to study to what degree the INC has been the supreme law of the Sudan, but to me it seems that it is respected as a superior constitution to all the other constitutions.	“largely implemented” (67-89 %)
1.d. Have the Government of National Unity (GoNU) decentralised the power in the state by establishing the three main levels of government?	The power has been decentralized to different government-levels, but many Sudanese still perceives the north as dominating.	“scarcely implemented” (11-33 %)
1.e. Have the political institutions at the national level of government been established?	The national level has managed to represented the marginalised people of Sudan	“largely implemented” (67-89 %)
1.f. Have the political institutions at the southern Sudan level of government been established?	The institutions lack qualified personnel	“scarcely implemented” (11-33 %)
1.g. Have the political institutions at the state level of government been established?	Some delays in establishing key institutions	“partially implemented” (34-66 %)
Average mean level of implementation for Dimension I:		3

3.2. Implementation of “distribution of resources”

In Sudan the parties resolved their disagreements over resources by signing a wealth sharing agreement covering the interim period. As mentioned earlier, the production of oil is Sudan’s biggest source of income, covering 35 % of the federal revenue and 85 % of South Sudan’s revenue in 2002. With peace in Sudan, it is said that this could double for at least a decade (Abulemoi 2011: 139). Both parties would gain economically on peace.

³⁶ CPA 2005: 2 – Chapter 1: 1.1

³⁷ CPA 2005: 13 – Chapter 2: 1.5.1.2

3.2.1. Distribution of Resources – Fulfilment of Allocations (Indicator 2.a.)

Since all of Sudan's revenues were supposed to be pooled into different funds administered by the national government, an important measurement for implementation will be to study whether the national government fulfilled all the allocations and transfers to the states, regions and to the GoSS?

The AEC mid-term evaluation reported that “the annual amount of arrears owed to the GoSS by the federal government [was] getting smaller” (AEC 2008: 19). However, a significant amount of arrears remained. For the year 2005, the GoS owed a total of US\$80.6 million to the GoSS. By January 2008 approximately US\$44 million of these arrears had been paid off. The cumulative total arrears due to GoSS from 2005, 2006 and 2007 stood in 2008 at US\$55.86 million. The GoSS has received arrears that so far exceed US\$1 billion (CPA Monitor April 2011: 19-22). Nevertheless, the negative trend with large arrears changed during the interim period.

Since the signing of the CPA and up to the AEC mid-term report was published, the GoSS had received over US\$4 billion from the GoNU from oil production. The most problematic issue was the production revenues from the contested area of Abyei.³⁸ However,

greater transparency over the oil sector, including the transfer of revenues and the timely availability of oil production and sales data to the GoSS, would help to build confidence and trust between the parties (AEC 2008: 18).

This could also be a way for the GoSS to improve its financial planning. The parties agreed on a plan to eliminate all uncertainty when it came to collection of national revenues in the South (AEC 2008: 18-9). In AEC's final report from 2011, the monitors told of an effective implementation of the CPA wealth sharing protocol regarding oil revenue transfers during the interim period. In 2010, the states in South Sudan received transfers totalling just under US\$90 million, a number that was not disputed by the parties (AEC 2011: 8).

The big numbers of arrears show that the national government has far from fulfilled its commitment not to withhold any allocations to the South. In addition there was a need for greater transparency in the oil sector. Nevertheless, in AEC's final report, the status of at least the oil transfers had improved. The large arrears seem to have become smaller as well. I therefore grade this indicator to “partially implemented” (34-66 %).

³⁸ Interim arrangements in respect to these were agreed and set out in June 2008 in the Abyei Road Map.

3.2.2. Distribution of Resources – An Average Level of Socio-Economic Standards (Indicator 2.b.)

As a second indicator to measure the implementation of the wealth sharing agreement, I ask whether the parties have managed to fulfil one of the main goals of the CPA, namely that all areas should be brought up to the same average level of socio-economic and public standards as the Northern states?

Sudan was ranked as the 169th country out of 177 in the 2011 UN Human Development Report. Poverty in Sudan “is deeply entrenched and is largely rural” (Rural Poverty Portal 2012). Poverty especially affects farmers who practise rainfed agriculture. In addition, poverty is more widespread in the rural areas in South Sudan and areas affected by conflict, drought and famine. Within these areas, particularly women and Internally Displaced People (IDPs) are the hardest affected.³⁹ According to UN Development Programme, Sudan’s poverty rate estimates that 46.5 % of the total population lives in poor conditions and that only 58.7 % of Sudan’s population has access to improved sanitation (UNDP 2012; Rural Poverty Portal 2012). In respect of the educational sector, access to school enrolment has reached 71.1 % in 2010 with notable regional disparities ranging from 93.75 % in Khartoum to only 36.1 % in the Red Sea state.

On almost all Millennium Development Goal indicators, South Sudan scores lower than Sudan, in some areas by a large margin.

Infrastructure is alarmingly poor: paved roads cover just about 100 kilometers in a country close to the size of France, no airports meet international civil aviation standards, and river channels have not yet been made navigable (IMF 2011^b).

Since South Sudan is such a newly founded state, the big humanitarian organisations, like the UN, lack data on the situation in the country. It has therefore been a challenge to find concrete numbers to compare the situations in North and South Sudan, but out of the numbers I have managed to find, the rural areas of Sudan, and particularly the rural areas in South Sudan, seem to be much poorer than North Sudan. The large differences between North and South and from state to state, makes me grade this indicator to “not implemented” (0-10 %).

³⁹ Women and IDPs constitute about 12 % of the population

3.2.3. Distribution of Resources – Sharing of Oil Revenue (Indicator 2.c.)

In the CPA, the parties agreed to equally divide the remaining revenues from the oil produced in the South, while those from oil produced in the North would pass on exclusively to the GoNU.⁴⁰ The equitable sharing of the country's revenues, especially oil revenues, has been an important achievement to end the conflict. Both parties have shown to rely heavily on the revenues from oil production, which represented approximately 65 % of total GoS revenue in 2008, with an average of 58 % over the last five years. The South has proved even more dependent on the oil revenue transfers from the North, which have accounted for approximately 98 % of its total revenue since 2005 (Patey 2010: 620-1). Has the net oil revenue been shared correctly 50/50 between the North and South?

After the parties established a common definition of the term “net oil revenue”, they were able to develop a system to calculate net oil revenues (AEC 2008: 19). Allocations of oil revenue to the South have taken place since 2005. In August 2008, the AEC wealth-sharing group met with the monitoring committee for oil revenue sharing, where the latter provided an update on the current state of transfers to the GoSS and other oil producing states. As indicator 2.a. showed, the transfers from North to South have not been happening at a regular basis.

A report by the GoSS Ministry of Finance from 2008 showed that Sudan's total oil revenue for 2008 was \$6.566.04 million, of which the GoNU share was \$3.677.74 million. South Sudan received total oil revenues for 2008 on \$2.888.20 million, while oil revenue arrears in favour of GoSS stood at \$265.66 million. A national half-year report for the period January-June 2009, reported a total revenue on \$787.01 million, where the shares of the GoNU and GoSS stood at 422.15 million and \$364.86 million, respectively. A GoSS report from 2009 showed that the oil resources in the South in 2009 had a total value of \$2.566.16 million, of which GoSS share was \$1.067.7 million. According to both the national and the Southern ministries of finance, the total oil revenue of the Sudan in 2010 was \$4.423 million, of which the GoSS share was 1.802 million (CPA Monitor April 2011: 22).

The final AEC report stated that there was good implementation of the oil revenue transfers by the GoNU to the GoSS during the interim period. There had also been developed a broader

⁴⁰ The remaining oil revenues after the oil-producing states had received the 2 % they were entitled to as oil-producing states. This issue will be studied under the next indicator

concern in the South regarding transparency in the oil sector, and several efforts were made to address these (AEC 2011:8).

After deducting 2% of net revenue for the oil producing states, the net revenue from South Sudan was to be divided equally between the GoSS and GoNU. The AEC final evaluation reported that there was good implementation of the oil revenue transfers by the national government to the South by the end of the interim period. By studying the revenues reported above, we can see that the transfers to North and South are not that different. We have to keep in mind that it was only the oil revenue from the South that was to be divided equally. The oil revenue from the North was passed exclusively to the GoNU which makes the GoNU's revenues larger than the GoSS'. I therefore grade this indicator to "largely implemented" (67-89 %).

3.2.4. Distribution of Resources – Revenue to Oil Producing States (Indicator 2.d.)

According to the peace agreement and the INC should at least 2 % of the net oil revenue be transferred back to the oil-producing state or region before the GoS and the GoSS shared the rest of the net oil revenues equally between them. Have this been the case?

The states have received transfers of oil revenue since 2005. According to the national Ministry of Finance the total oil revenue share of the oil producing states in 2010 was \$89.27 million, of which \$26.86 million was Unity State, \$45.79 million Upper Nile State, and \$16.62 million Southern Kordofan state. The total share of oil revenue from Abyei area in 2010 constituted of \$4.3 million (CPA Monitor April 2011: 21-2).

A multi-donor evaluation published by NORAD reported that

(a)lthough the local oil-producing states receive revenues from the central government, it is not clear what sort of revenue is actually being transferred out of the different types of revenues that the local states are entitled to receive according to the CPA (NORAD^a 2010: 11).

It reported further that it had been difficult to track whether the oil revenues were shared fairly.

Various donor officials in Khartoum confirmed that the allocated 2% does not sufficiently trickle down the local population, but that in many cases, it only stays in the reach of local authorities (NORAD^a 2010: 11)

This wealth sharing indicator has been difficult to find out. It seems that lack of transparency in the economic system in the country has made the revenue transfers back to the oil producing state a place for corruption. Most states receive the 2 %, but the allocation of the money back to the population seems to stop at the local authorities in some cases. I therefore grade this indicator to “scarcely implemented” (11-33 %).

3.2.5. Distribution of Resources – Compensation to Land Owners (Indicator 2.e.)

The CPA established rights to compensation for people who had been negatively affected by the oil production in the country. Have land owners of oil rich land received compensation as entitled to in the CPA?

There has been no action to compensate victims whose land has been exploited in oil extraction, as was promised in the wealth-sharing agreement (CPA Monitor April 2011: 23). This indicator is therefore calculated to “not implemented” (0-10 %).

3.2.6. Distribution of Resources – The National Petroleum Commission (Indicator 2.f.)

The NCP was supposed to have the overall responsibility of the petroleum sector in Sudan. Has the commission been established in accordance with the CPA?

The NCP was established on 30 October 2005 by presidential decree. Due to more than a year of procedural obstacles, the commission was finally up and running in 2006 and held its first full meeting on 5 April 2007 (AEC 2008: 22; CPA Monitor April 2011: 21; Abulemoi 2011: 157-8). The AEC mid-term report reported that the NCP’s secretariat was in 2008 partially functioning, but was not fully represented by South. This resulted in the NCP not having control of the oil sector or being able to ensure the implementation of the agreed revenue collections (AEC 2008: 22; Abulemoi 2011: 157-8).

Issues that were supposed to be addressed by the NCP arose continuously in Sudan, but the lack of a fully staffed commission made it less capable to cope with these issues. The 2008 AEC’s mid-term report strongly recommended that both parties started to use the NCP much more (AEC 2008: 22). Abulemoi (2011) says that the NCP not has done its job to control the oil sector. Based on this information I grade this indicator to “scarcely implemented” (11-33 %).

3.2.7. Distribution of Resources – Land Ownership Process (Indicator 2.g.)

Because of the great disagreements between the parties in the question of land sharing, the CPA does not address issues regarding the ownership of either land or natural resources. Instead, the parties agreed in the CPA to establish a process to resolve this issue. Has this land ownership process started?

By establishing two land commissions, one in the North and one in the South, these commissions may mediate between the parties over land issues and make recommendations to the governments, without going to court (CPA Monitor April 2011: 21). The CPA also called for the establishment of a committee who started work in January 2007 on mapping the 1 January 1956 border between North and South. The committee has made several trips to Cairo and London to study documents that can say something about the 1956 border. The AEC January 2010 report said that the delineation work had been stuck for many months, after the parties had agreed on 80 % of the delimitation of the 1956 border. After a period of cooperation to solve the border issue, tension rose again in 2011. This led to problems both in the annual nomadic migration and in the cross border trade (AEC 2011: 4).

Since the CPA only required the establishment of a process to resolve the conflict of land ownership, I consider this absolutely done. Even though the parties are far from reaching agreement on this issue, I will grade this indicator to “fully implemented” (90-100 %) simply because there has been established a land ownership process.

3.2.8. Distribution of Resources – The National Revenue Fund (Indicator 2.h.)

In order to collect the non-oil revenues like taxes and licenses, the CPA called for the establishment of a National Revenue Fund (NRF). All nationally collected revenues were to be put into the fund for then further being allocated to the GoSS and the various states in accordance with their required shares. The two parties also agreed on how to approach the international community for appeals for donor funds to help the reconstruction of the country, particularly the South. Have all the nationally collected revenues been pooled into the NRF and shared in accordance to the CPA?

The NRF was established in accordance with the CPA and has since been managed by the national Ministry of Finance (AEC 2008: 24). For some time after the parties signed the peace agreement, there arose some difficulties in the collection of non-oil revenues in the South,

although both parties had agreed on the terms in the CPA. In April 2008 the problem was solved by establishing a system for the collection of revenues from the different authorities. The GOSS has been working on establishing a legislation to allow the taxation by law. The AEC mid-term report reported that “[i]nformation on state revenues is lacking” (AEC 2008: 23). The commission recommended a timetable that showed which revenues that were to be transferred by the GoNU to the GoSS, to help ease the existing concerns of the transfers (AEC 2008: 23).

In 2008, the GoSS collected 34.2 million Sudanese pounds from taxes. This money was divided equally between the national and Southern Sudan governments. In 2009, the total number of taxes collected in the South was \$18.86 million, and in 2010 the number was \$16.5 million (approximately 45.9 million Sudanese pounds) (CPA Monitor April 2011: 23).

Due to some problems in the establishment process, it seems the parties have worked through the problems and managed the establishment and functioning of the NRF. I therefore grade this indicator to “largely implemented” (67-89%).

3.2.9. Summary of Actual Implementation of Dimension II: Distribution of Resources

The CPA’s protocol on wealth sharing dealt with the distribution of Sudan’s resources. Revenues from oil production were Sudan’s biggest source of income. The fact that the largest oil fields lie in the South while the oil pipelines goes North, contributed to the need of a rigid set of rules that the parties agreed upon. The national government’s equitable allocation of Sudan’s resource revenues, both oil and non-oil resources, is essential to the keeping of peace. I have summarised the implementation of the wealth sharing indicators (Dimension II) in table 9 below. On a scale from 1-5 the average level of implementation for Dimension II is found to be 2.75.

Table 9 *Detailed evaluation of implementation (II): Wealth Sharing*

Criteria	Central facts	Evaluation of implementation status
2.a. Have all the allocations and transfers by the National Government to the states/regions and to the GoSS been fulfilled and not withheld?	Large arrears owed to the GoSS by the federal government	“partially implemented” (34-66 %)
2.b. Have all areas been brought up to the same average level of socio-economic and public standards as the Northern states?	Rural areas in Sudan, especially in South Sudan, are poorer than the rest of the country. Sudan was ranked as the 169 th country out of 177 in the UN Human Development Report.	“not implemented” (0-10 %)
2.c. Have the net oil revenue been shared correctly 50/50 between the North and South?	Good implementation of the oil revenue transfers.	“largely implemented” (67-89 %)
2.d. Have at least 2% of the net oil revenue gone to the state or region in which the oil was produced?	This area lacks economic transparency and has made these revenue transfers a place for corruption.	“scarcely implemented” (11-33 %)
2.e. Have land owners of oil rich land received compensation?	The process has not even started.	“not implemented” (0-10 %)
2.f. Has the National Petroleum Commission (NCP) been established in accordance with the CPA?	The NCP has not done its job to control the oil sector.	“scarcely implemented” (11-33 %)
2.g. Has the land ownership process mentioned in the CPA started?	There has been established a process, just as the CPA required.	“fully implemented” (90-100 %)
2.h. Have all the nationally collected revenues been pooled into the National Revenue Fund (NRF) and shared in accordance to the CPA?	There has been established a process.	“largely implemented” (67-89 %)
Average level of implementation of the indicator for Dimension II:		2.75

3.3. Implementation of “military security”

The 2008 AEC mid-term evaluation of the implementation of military security, started with a positive view on the CPA by stating that the

[o]verarching achievement of the Comprehensive Peace Agreement (CPA) is that the seemingly intractable civil war between North and South had ended and that over the last three years the larger peace has prevailed (AEC 2008: 34).

There have been several major achievements due to security arrangements, which have been central to the overall implementation of the CPA. However, there remained in 2008 many challenges that needed to be addressed: there were continuing problems connected to the South and occurring conflicts in the Three Areas; completion of redeployment; focus on the DDR process; and a reform in the security sector (AEC 2008: 34).

3.3.1. Military Security – The Ceasefire (Indicator 3.a.)

When addressing the implementation of the military security-dimension of the CPA, I start by asking whether the parties have managed to keep the overarching international monitored ceasefire?

The mid-term evaluation done by the AEC reported of well functioning institutional arrangements and monitoring of the ceasefire. Several committees required by the ceasefire agreement have been established. UNMIS, the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) have all been represented in many of these bodies.⁴¹ UNMIS reported of no violations of the ceasefire between the two parties from July 2006 to May 2008, which was proof of the success for the CPA principle of resolving problems through dialogue and political will (AEC 2008: 34-35).

However, in some areas in the South, like South Kordofan, tension rose and further resulted in heavy fighting between armed groups aligned to both the SAF and the SPLA. There were also ongoing acts of violence in different parts of Southern Sudan. "While such problems continue full security between North and South cannot be said to have been achieved" (AEC 2008: 35).

No reported violations of the ceasefire from 2006 to 2008 were a great achievement. However, the occurred fighting between military fractions in some of the most conflicted areas ended the so far successful ceasefire. I grade this indicator to "scarcely implemented" (11-33%).

3.3.2. Military Security – International Monitoring Committees (Indicator 3.b.)

The UN should according to the CPA carry out the international monitoring of the agreement. Several monitoring and verification committees should also be established with

⁴¹ United Missions in Sudan

representatives from the UN, SAF and SPLA. Have all these committees been established and have they monitored the ceasefire agreement?⁴²

The Ceasefire Political Commission (CPC) was established on 27 August 2005 by presidential decree with the expectation to settle the most complicated disputes and provide disciplinary measures for violations. On 10 November 2005 president al-Bashir appointed the ten members of the CPC in accordance with the CPA (Gurtong 2012; CPA Monitor April 2011: 34). The commission met routinely every month, and has continued to do so even after the end of the interim period, and afterwards reported to the presidency. However, the CPA Monitor reported of an uneven performance “as a body for resolution of disputes over ceasefire issues” (CPA Monitor April 2011: 34). Many of the disputes it was supposed to have solved ended up in deadlocks at the CPC level.

The Ceasefire Joint Military Committee (CJMC) was established in May 2005 to cover the territorial jurisdiction of the CPA. The CJMC answered to the CPC and was represented by the required mandate of senior military representatives from both parties and chaired by the UNMIS Force Commander. The committee had convened regularly and “has supported open and frank discussion between the parties and the resolution of concerns around military violations of the CPA” (CPA Monitor April 2011: 34).

The Area Joint Military Committee (AJMC), the coordinator of all the monitoring activities, was supposed to be formed by 24 June 2005. But because of the non-availability of the nominated members, the formation was delayed. The first AJMC meeting was held on September 2005.

The Joint Military Teams (JMTs) were to be the lowest operating units of the military mechanisms in the ceasefire consisting of UNMOS (international observers) and equal number of officers from SAF and SPLA. The formation was however delayed “due to lack of clarity on the logistical support for the National Monitors” (CPA Monitor April 2011: 35). The UNMIS JMTs did originally enjoy guaranteed freedom of movement within the ceasefire zone. However, in 2006 both parties started to restrict the JMTs’ movement, especially in Abyei. The movement restrictions ended with the signing of the Abyei Roadmap (CPA Monitor April 2011: 34).⁴³

⁴² Ceasefire Political Commission (CPC); Ceasefire Joint Military Committee (CJMC); Area Joint Military Committee (AJMC); Joint Military Teams (JMTs); and UN Peace Support Mission (UNMIS)

⁴³ More about this under Abyei (Indicator 6.1.b – International monitors)

Through resolution 1590 of 24 March 2005, the UN Security Council decided to establish the United Nations Mission in the Sudan (UNMIS) to “support implementation of the [2005 CPA]; and to perform certain functions relating to humanitarian assistance, and protection and promotion of human rights” (UNMIS 2012^a). UNMIS was established two months after the signing of the CPA and was deployed in Sudan through the whole interim period (24 March 2005 – 9 July 2011). UNMIS had a maximum strength of 10 000 military personnel, including 750 military observers; 715 police; and “an appropriate civilian component” (UNMIS 2012^b).⁴⁴

According to the CPA Monitor the different international military mechanism in the ceasefire would monitor and verify its implementation. Several of the institutions have been established but few of them have been functioning as planned. Some of the institutions were however never established. The ceasefire military mechanisms are therefore graded to “scarcely implemented” (11-33).

3.3.3. Military Security – The Disarmament, Demobilisation and Reintegration Process (Indicator 3.c.)

In the development of a well functioning armed force, successful disarmament, demobilisation and reintegration have been important. The DDR process was hoped to help in “the development of an appropriate sized, efficient and democratically accountable” Sudanese army (AEC 2008: 39). It would also supposedly help to

remove a potential source of future instability, meet the moral obligation towards former combatants and their dependants – especially special needs groups (disabled, women and former child soldiers) – and relieve some of the current crippling budgetary pressure on both [N]orth and [S]outh (AEC 2008: 39).

Has the Development, Disarmament and Reintegration process been established in Sudan?

The DDR’s success depended on a well-planned approach and particular attention to the implementation in the three areas, being Abyei, Southern Kordofan/Nuba Mountains and Blue Nile States (AEC 2008: 39-40). The national DDR coordination council (NDDRCC) was established on 18 February 2006 by the presidency. It consisted of federal and state ministers

⁴⁴ Country contributors: Australia, Bangladesh, Belgium, Benin, Bolivia, Brazil, Burkina Faso, Cambodia, Canada, China, Croatia, Denmark, Ecuador, Egypt, El Salvador, Fiji, Finland, Germany, Ghana, Greece, Guatemala, Guinea, India, Indonesia, Japan, Jordan, Kenya, Kyrgystan, Malaysia, Mali, Moldova, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Paraguay, Peru, Phillippenes, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Sierra Sri Lanka, Sweden, Switzerland, Tanzania, Thailand, Turkey, Uganda, Ukraine, United Kingdom, Yemen and Zambia (UNMIS.org)

and the two chiefs of staff of the SAF and SPLA. In February and May 2006 the North and the South each established their own DDR commissions respectively. But only after several years of negotiating and planning were the DDR programme launched in February 2009 in North Sudan and August 2009 in South Sudan. International support was provided through the Integrated UN DDR (IUNDDR) Unit which consisted of the UN Mission in Sudan (UNMIS), UNDP, the UN Children's Fund (UNICEF), the World Food Programme (WFP), and the UN Population Fund (Nichols 2011: 10-1).

Through the DDR-process both parties should downsize their forces by reintegrating some of their troops into civilian life. Progress from the establishment of the DDR and to 2008 met obstacles, especially when it came to organisational problems in the IUNDDR Unit and a lack of political engagement (AEC 2008: 39-40). By 2007, the parties had still not started downsizing their forces but they had agreed to start the negotiating of the downsizing after the SAF had completed its redeployment back North (Abulemoi 2011: 178-9).

Rogue militia commanders, supported by the NCP, disrupted the implementation of the CPA in the South because of badly handled demobilisation. The civilian population in the South also remained heavily armed (Abulemoi 2011: 179). During the first half of 2008 these problems were resolved and progress was then made, particularly at the political level. The NDDRCC adopted a national strategy where the most significant agreement was on the size and scale of the DDR programme. This concerned 180 000 individuals (split between the SAF and SPLA) in the CPA areas over four years (AEC 2008: 39-40; Nichols 2011: 11). The costs of processing 180 000 ex-combatants were significant. The budget for demobilisation was at USD 135 million, with USD 99 million coming from the UNMIS and the remaining USD 36 million from the WFP. The budget for reintegration was at USD 430 million. The GoNU agreed to contribute with USD 45 million, leaving donors to provide USD 385 million. As of January 2011 UNDP had received about USD 126 million to fund the reintegration process (Nichols 2011: 11).

The 2005 CPA obliged the parties to demobilise all child soldiers within July 2005. The SAF denied the recruitment or use of child soldiers, but in May 2006, after the unification process of OAGs, the SAF estimated that a significant number of the 19 000 soldiers in the new units, were under 18. The SPLA acknowledged that they had child soldiers in its ranks but promised to end both their recruitment and use. In 2007 the UN still confirmed the presence of 2 000 children in SPLA forces in South Sudan, though several child soldiers had been demobilised

and returned to their families.⁴⁵ In June 2006 both parties made commitments to end recruitment of child soldiers (Child Soldiers Global Report 2008: 2-3).

Through May 2007, SAF completed disarmament of its allied other armed group (OAG) members in Upper Nile, Western Bahr el Ghazal and Eastern Equatoria. From 2006 to 2008, a total of 2 699 DDR ex-combatants and members of the special needs groups were demobilised.⁴⁶ By 28 April 2011, 47 247 persons participating in the DDR process (25 720 for SAF and 21 527 for SPLA) had been demobilised in the CPA areas, and in the same time, 30,165 ex-combatants had been counselled on reintegration opportunities, both in North and South (CPA Monitor April 2011: 39).

Nichols reported in 2011 that even though more than six years have passed since the signing of the CPA, the DDR-programme still was at an early stage with slow but steady progress. Out of the planned demobilisation of 180 000 ex-combatants, less than a quarter had been demobilised and far fewer had completed reintegration training (less than 9 % of Northern forces and 5 % of Southern forces) (Nichols 2011: 7).

As the 2008 mid-term report done by AEC says there has been made significant progress in preparing for the DDR. As we saw above only 33 % of the planned demobilisation of the 180 000 ex-combatants and only 9 % of Northern and 5 % of Southern forces have received reintegration training. There remain several planning challenges. I hereby grade the DDR-indicator to “scarcely implemented” (11-33 %).

3.3.4. Military Security – North/South Border (Indicator 3.d.)

As another indicator to measure the military security in Sudan, I ask whether the parties have kept the 1.1.1956 line between North and South inviolate or whether they have agreed upon border demarcation?⁴⁷

The implementation of the CPA was supposed to start with the demarcation of borders.

In addressing border issues as the end of the interim period approached the parties [...] had to consider three aspects – border demarcation, the disputed areas and the nature of the border and border management (AEC 2011: 4).

⁴⁵ The SPLA with UNICEF support demobilised 20,000 child soldiers from 2001 to April 2006

⁴⁶ Including 810 females and 124 disabled participants

⁴⁷ This question is also mention under Abyei – Border demarcation (Indicator 6.1.d.)

Sudan's border was one of the longest ones on a continent where only 25% of all borders are demarcated.

As the negotiations have progressed there has been acceptance that the key at this stage is to agree modalities for demarcation, for the handling of the disputed areas and for border management, with the starting point continuing to be a soft but secure border across which economic activity can flourish and settled and itinerant communities and nationals can live peacefully and move freely (AEC 2011: 4).

The AEC final report told that the parties had reached agreement on 80 % of the delineation of the North/South border. This was achieved after the demarcation of the border had been stuck for several months in 2010. Still, there remained a number of areas that lacked agreement. The parties agreed that a "soft but secure border" was the only concept that could function between North and South Sudan (AEC 2011: 4).

After a slow start of the project that turned out to be the most complicated ones in the implementation of the CPA, the parties finally agreed, at least publicly, on the demarcation of the Abyei borders in 2009. However, my impression is that the parties never really agreed on the Abyei borders. With an 80% completion of the border demarcation and a public statement by all the parties that they have reached agreement on the definition of Abyei area, I grade this indicator to "largely implemented" (67-89 %).

3.3.5. Military Security – Joint Integrated Units (Indicator 3.e.)

The AEC mid-term report called the deployment of effective JIUs a "key to the completion of the CPA security arrangements" (AEC 2008: 36). The required establishment of the Joint Integrated Units would both be to form the core of a future national army, and also to have an important symbolic value for the co-operation between the two parties during the interim period. If properly constituted, trained, equipped and deployed as originally envisaged, the JIUs would also be able to provide support to the organisation of the elections and referenda and play a positive role in the detailed implementation of DDR programmes (AEC 2008: 37). Have there been formed and developed JIUs "consisting of equal number from the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA)" during the interim period?⁴⁸ (CPA 2005: 88 – Chapter 6: 4)

⁴⁸ As written in the theory chapter of Dimension III, the size and deployment of the JIUs was supposed to be: Southern Sudan (24,000); Nuba Mountains (6,000); Southern Blue Nile (6,000); and Khartoum (3,000)

There was made progress by the parties in the nomination of forces to serve in the JIUs in 2006. However, was the deployment of JIUs, originally scheduled to be completed by 9 October 2006, significantly behind schedule (CPA Monitor April 2011: 36). By 2006, only the JIU in Khartoum had been set up, made up of 1 500 SAF and 1 500 SPLA forces (Abulemoi 2011: 176). The mid-term AEC report told in 2008 about good progress in the establishment of the JIUs, though there still remained a great deal. At this time more than 85% of the total authorised number of the individual soldiers called for in the CPA had been deployed. This equalled a force of 39 000 soldiers, split equally between SAF and SPLA. All units had been formed and most of them deployed. There were established 47 battalions tasked with security that were deployed in Khartoum, the Three Areas and across much of the South. There was no change to the status of JIU deployment in August 2009 (CPA Monitor April 2011: 36).

The JIUs have achieved some operational success. Joint patrolling was provided for in several towns, as well as other security tasks, like the security of oil installations. The JIUs' clearing of a 445km long railway connecting Northern and Southern Sudan was a particular success. Despite these achievements, lack of resources and of training has prevented the JIUs from developing into military effective integrated units, which could be a potential threat to CPA implementation. According to the terms agreed upon in the CPA, the GoNU was obligated to fund the JIUs, along with support from the international community. The GoNU has released sufficient funds to pay salaries and provide uniforms, but these allocations only made up around 40 % of the JIUs' 2007 budget allocations. As a priority the full allocations needs to be released (AEC 2008: 37-38).⁴⁹

The establishment of the JIUs seems to have gotten off to a good start. In 2008, 85 % of the military positions had been deployed. However, the JIUs never reached full deployment. The units have had some success-stories, but lack of resources and training contributed to a lack of efficiency. I grade this indicator to "largely implemented" (67-89 %) because of the almost complete deployment and the big achievements.

⁴⁹ Since the result of the 2011 referendum in South Sudan supported secession from the North, the JIUs were to be dissolved back into their respective armies. The dissolution process was officially completed by 9 April 2011. However, the SAF had not removed all their JIU troops from the South. The parties agreed to let 100 SPLA JIUs stay in Khartoum until 9 July 2011. The dissolution of the JIUs in Southern Kordofan and Blue Nile States had not yet been resolved in April 2011 (CPA Monitor April 2011: 37).

3.3.6. Military Security – The Joint Defence Board (Indicator 3.f.)

According to the CPA, the Joint Defence Board (JDB) had the responsibility to oversee the implementation of the security arrangements, to coordinate between the SAF and SPLA, and to be the commander and oversee the deployment of the JIUs. Has the JDB managed this?

The JDB was formed by presidential decree on 30 December 2005 and was led jointly by the two First Lieutenant-Generals from the two armies, SAF and SPLA, their deputies and four senior officers. The JDB met regularly every other month (CPA Monitor April 2011: 36; AEC 2008: 35).

The board has been established and was jointly led by representatives from both parties. However, it seems that the coordination of the JIUs has been a difficult task. Because of lack of information, I grade this indicator so far: Inconclusive.

3.3.7. Military Security – Other Armed Groups (Indicator 3.g.)

Under the CPA no other armed groups than the JIUs, the SAF and the SPLA were allowed to operate. Have all other armed groups (OAGs) that have operated outside the two forces been integrated?

A committee was established in Mach 2005 to oversee the process of integrating other armed groups into either SAF or SPLA or into civil services. The functioning of this committee was delayed until SPLA finally nominated its members 24 July 2006 (CPA Monitor April 2011: 37). The AEC mid-term report told about “significant progress in integrating OAGs over the last [18] months” (AEC 2008: 36) and that the SPLA reported that all OAGs had been integrated. SAF also proclaimed that they have integrated or disarmed all former aligned OAGs. However, this was not completely true as UNMIS confirmed that at least one SAF aligned OAG has been involved in fighting with the SPLA (AEC 2008: 36).⁵⁰

The integration of OAGs in Sudan has seemingly been rather successful. All SPLA aligned OAGs, and all but one SAF aligned OAGS were integrated by the time of the AEC’s mid-

⁵⁰After the referendum that led to separation for the South, there have been conflicts between SPLA and a number of rebel militia groups. “The integration of former SAF elements from the South and insurgents into SPLA received mix results” (CPA Monitor April 2011: 37).

term report in 2008. However, the status of OAGs after the South's secession has been mixed. Still, I grade the integration of OAGs to "largely implemented (67-89 %).

3.3.8. Military Security – Redeployment of Armed Groups (Indicator 3.h.)

The 2005 CPA stated that the SPLA should redeploy its troops from the North and SAF from the South. Part of this process was the establishment of the JIUs. The line of redeployment was the 1.1.1956 North/South border. Were the armed groups (SAF and SPLA) pulled out and redeployed in accordance to the CPA?

The SPLA had four areas to redeploy from: Eastern Sudan by 9 January 2006; and Abyei, Southern Kordofan and Blue Nile State within six months after full formation of the JIUs. The SAF had to redeploy all their troops from the South by 9 July 2007. Both parties did several times repeat their commitment to this agreement. Already on 4 July 2006, SPLA had managed complete withdrawal all troops from the East. This process was relatively smoothly carried out with support from SAF. From having a total strength of 8 736 troops, SPLA managed to redeploy 5 672. This number was verified by UNMIS observers. But SPLA had not completed redeployment from the other three areas, much because of delays in the formation of the JIUs. In 2006, UN observers estimated that SAF had pulled 13 343 troops stationed in the South back North prior to the signing of the CPA. This made up a withdrawal of nearly one third during the first year. Within July 2007 SAF had only pulled out 69 % of its Southern troops when the number should have been 100 % (Brosché 2008: 237; CPA Monitor April 2011: 35; Abulemoi 2011: 175). "This was the first major deadline in the CPA and it was missed without any international reaction" (Brosché 2008: 237).

The UN verified numbers for the redeployment of SAF was nearly 98 % in April 2008. This represented almost complete redeployment of the SAF, due to deserters etc. Measurements of SPLA redeployment was continuing and involved frequent recounts of troops in the designated assembly areas. Given the number of soldiers on leave or hospitalised at any time, the numbers verified have varied. Nonetheless, the official figure for SPLA redeployment stood in April 2008 at less than 11 %. It is important that the process of redeployment be completed.

Because of SAF's completed redeployment, however delayed, and SPLA's good start of redeployment, I will say that this indicator has gotten off to a good start and was at the end of the interim period "partially implemented" (34-66 %).

3.3.9. Summary of Actual Implementation of Dimension III: Military Security

Overall, it seems that the implementation of military security in Sudan, have come a long way. There have been few of the projects required by the CPA that have not been established or started on. However, there are also few of the established projects that have been fully completed. In the table below, Table 10, I have summarised the implementation of the military security indicators (Dimension III). The average level of implementation for the "military security"-dimension is calculated to be 3.

Table 10 *Detailed evaluation of implementation (III): Military Security*

Criteria/indicator	Central facts	Evaluation of implementation status
3.a. Has the international monitored ceasefire been kept?	No reports of violence from 2005 and till 2008 Tension in South broke the ceasefire	“scarcely implemented” (11-33 %)
3.b. Have all the international ceasefire monitoring institutions and committees been established and have they monitored and verified the implementation of the ceasefire?	Several of the institutions have been established. Few of them function as planned	“scarcely implemented” (11-33 %)
3.c. Has DDR process been established?	There has been a significant progress but there remain several challenges.	“scarcely implemented” (11-33 %)
3.d. Have the parties respected the 1/1/1956 line between the North and South?	80 % of the border has been publicly agreed upon after a court resolution.	“largely implemented” (67-89 %)
3.e. Have there been formed and deployed “Joint Integrated Units (JIUs) consisting of equal number from the Sudanese Armed Forces (SAF) and the Sudan People’s Liberation Army (SPLA)” during the interim period? ⁵¹	In 2008 85 % of the military positions were deployed. The JIUs never reached full deployment.	“largely implemented” (67-89 %)
3.f. Has the Joint Defence Board (JDB) been a coordinator and commander of the JIUs?	There were some problems with the coordination.	Inconclusive
3.g. Have all other armed groups (OAGs) that have operated outside the two forces been integrated?	All SPLA and all but one SAF OAGs were integrated by 2008.	“largely implemented” (67-89 %)
3.h. Were the armed groups (SAF and SPLA) pulled out and redeployed in accordance to the CPA?	SAF reached complete redeployment. SPLA reached deployment from one of four areas.	“partially implemented” (34-66 %)
Average level of implementation of the Dimension III:		3

3.4. Implementation of “political issues”

The political and human rights problems in the Sudan have been “a complex inter-locking mosaic in which the common factor is the repressive practices of the NCP-led government” (Human Rights Watch 2009: 1). These problems included “manipulation of local conflicts through supporting, arming, and commanding tribal militia that has further entrenched inter-

⁵¹ CPA 2005: 88 – Chapter 6: 4

ethnic tensions, making them ripe for exploitations” (Human Rights Watch 2009: 1). A way to create a secure future for the whole country would be to address these repressive tactics, and re-establish political freedoms and respect for human rights (Human Rights Watch 2009: 1). This dimension covers the democratic rights the CPA introduced to the Sudanese population.

3.4.1. Political issues – The Population Census (Indicator 4.a.)

In order to be able to hold democratic and fair elections in Sudan, it was necessary with a population census to establish the Sudanese population. The completion of the Sudanese population census will be my first indicator when measuring political issues.

Originally the CPA scheduled the census to the end of 2007 but after several delays and changes of schedule, the date of Sudan’s 5th national population census was set to 15-30 April 2008. In May 2009, Sudan’s Central Bureau of Statistics (CBS) released the results from the census. The total enumerated population in Sudan in 2008 was 39 154 490 persons of which 20 073 977 were males and 19 080 513 were females. In terms of regions, 30 894 000 (78.9 %) lived in North and 8 260 490 (21.1 %) lived in South.

However, the GoSS protested that the results from the census could be used as basis for allocation of constituencies for the general elections, or that the results could be used to adjust the CPA wealth and power sharing formula. The Southerners under counts the population of the region and over counts the population of Darfur and nomads (CPA Monitor April 2011: 14).

Even though the population census was held throughout Sudan, it was severely delayed. In addition the South obliged the usage of the results so that the intended usage of the census results in the general elections could not happen. Still, the census was completed. I grade this indicator to “partially implemented” (34-66 %).

3.4.2. Political Issues – General Elections (Indicator 4.b.)

The Interim National Constitution outlined that presidential, parliamentary, gubernational, and state assembly elections should be held in 2010. These elected governments should oversee the remaining interim period until the referendum in 2011 (Gasim 2011: 375). Have democratic general elections been held as planned through the Sudan?

The electoral law that specified the procedures for the 2010 elections was adopted in 2008. The elections were a critical milestone in CPA implementation. However, they were held peacefully throughout Sudan in April 2010 (AEC 2011: 2). This accomplishment fulfilled a CPA benchmark. The elections covered all levels of government. Approximately 10.1 million voters cast their vote in the Northern presidential election, which constituted for about 60 % of the total registered voters. Omar Al-Bashir won 68 % of the votes, the majority coming from the North, and was appointed President of the Republic of Sudan. In the Southern presidential election, the SPLM was dominant and the party's candidate, Salva Kiir, won 93 % of the votes and was appointed President of the government of Southern Sudan (Gasim 2011: 377; CPA Monitor April 2011: 4).

The results of the national assembly elections showed that both NCP and SPLM maintained their positions and strength. The NCP won a total of 320 assembly seats and the SPLM won 99 seats. In additions to the NCP and SPLM, the Popular Congress Party (PCP) and Ummah Federal parties won a few seats in the new mixed GoNU, four and one seats respectively. A new Government of National Unity (GoNU) was formed quickly after the elections “in which the division of portfolios between them reflected the power sharing arrangements agreed in the CPA for the pre election period” (AEC 2011: 2). Gasim (2011: 377) points out that “[t]hese outcomes indicate that the proportional component of the electoral system did not help the smaller parties as it was designed to do”.

In the elections to the council of states, the NCP won 25 seats, all from Northern states, while the SPLM won 21 seats, all except one from the Southern states. In the gubernational elections NCP managed to win twelve of thirteen states in the North, and the SPLM won ten governorships. No other party than the NCP and SPLM was able to win any governor positions (Gasim 2011: 378; CPA Monitor April 2011: 12). Polling did not take place in 33 constituencies because of technical problems, and the parties agreed on postponing the election of governor for Southern Kordofan until after the census re-count because of SPLM's contest on this issue (CPA Monitor April 2011: 4; AEC 2011: 2; NORAD^b 2010: 13).

The achievement of the 2010 Sudanese general elections has been referred to as a milestone and a benchmark of the implementation of the CPA. The elections were held peacefully at all levels in May 2010. Some elections were postponed in some states or constituencies due to technical problems or in agreement with the parties. In addition, the CPA power sharing

system proved to some degree not to be as including as wished for. However, I consider the general elections in Sudan to be “largely implemented” (67-89 %).

3.4.3. Political Issues – International Observers (Indicator 4.c.)

The CPA called for monitoring of the elections by international observers to ensure a fair and democratic electoral process. As a measurement for how democratic the elections were, I ask whether international observers did participate in the observation of the elections and how they perceived the electoral performance?

The Sudanese elections received great international support after the Sudanese government had sent out invitations to international parties asking them to monitor the general elections. Institutions such as the UN, EU, AEC and donor governments sent observers that extensively monitored the elections. The EU established the European Observation Mission (EU EOM) in Sudan with a total of 134 observers from 25 member states of the EU, as well as from Norway, Switzerland and Canada (EU EOM 2010; UNMIS 2010). In addition were thousands of Sudanese citizens assigned the roles as domestic observers. Sudanese Network for Democratic Elections (SuNDE), a coalition of 78 civil society organisations in the South, deployed about 2 000 domestic observers in the South. Sudanese Groups for Democracy and Elections (SuDGE), an association of eight NGOs, sent about 2 000 domestic observers to the North (UNMIS 2010: 5).

In accordance with the CPA was Sudan supposed to introduce universal suffrage in the elections. Through the INC, citizenship was an established requirement for the right to vote. The CPA stated that there should be universal suffrage in Sudan, which meant that every one of Sudanese nationals of age 17 and older could vote (UNDP-POGAR 2012). The numbers released by the National Electoral Commission (NEC) after the population census estimated that 16 544 520 persons – both in and out of Sudan – were reported to have registered to vote in the elections (CPA Monitor April 2011: 11). As mentioned earlier, the 2008 population census documented a total Sudanese population of 39 154 490 persons, of which 58.38 % (22 858 391 persons) were over 15 years.

The EU EOM (2010) reported of a complex election process caused by both its design and confusion in its implementation. However, as an EU observers told in an interview;

[t]he election days were mostly calm, orderly and peaceful, within a well-maintained security environment. The Sudanese people are to be congratulated on the patience and

forbearance shown by their considerable voter turnout despite the challenges encountered during the polling days (CNN 2010).

Sudan's legal framework provided a good foundation "for the conduct of elections [...] in accordance with international standards" (EU EOM 2010: 4).

The Sudanese general elections were monitored and monitored by several international and domestic observers. It seems that the universal suffrage was largely held and also that the elections to a large extent held the international standards. I therefore grade monitoring of the elections to "largely implemented" (67-89 %).

3.4.4. Political Issues – Southern Referendum (Indicator 4.d.)

As established in the theory chapter, South Sudan was given the right through the CPA to choose whether to join a united Sudan or to vote for secession in a referendum at the end of the interim period. Did "the people of Sudan [get] the right to self-determination, *inter alia*, through a referendum to determine their future status" (CPA 2005: 2 – Chapter 1: 1.3)?

The referendum in South Sudan was held on schedule on January 9-15, 2011. This was according to the IMF Country Report (2011^a: 4) a major accomplishment. The establishment of the Southern Sudan Referendum Commission was delayed and not completed until June 2010. However, after this the commission "moved with impressive speed to put in place the organizational agreements for the referendum" (AEC 2011: 3) with much support from the UNMIS.

The result showed an overwhelming vote for secession from the North, with a 98.83 % in favour with a 97.58 % voter turnout (3 851 994 registered voters) (CPA Monitor April 2011: 13). The voting process was completed peacefully and observed by several international and regional organizations, like AEC and UNMIS. The final AEC report expressed "appreciation to President Al-Bashir and First Vice President Salva Kiir Mayardit for bringing CPA implementation safely to this point and for their commitment to accept the result" (AEC 2011: 3). In addition the commission praised the Referendum Commission, the UN and other involved parties for making the elections happen on time and as organised as they were.

The result of the referendum was received calmly throughout Sudan, reflecting both the convincing nature of the process and the result and the responsible reaction of the leadership of both parties [...] The organisational success of the referendum was such

that those engaged in similar exercises in future elsewhere in the world might well learn from it (AEC 2011: 3).

On 21 February, the National Legislature and president Bashir officially declared their acceptance of the referendum result.

The referendum in South Sudan happened at the scheduled date, peacefully and with quite a few observers. The result of the referendum was close to unanimously in favour of secession, a result the North accepted. The Southern referendum was “fully implemented” (90-100 %)

3.4.1. Political Issues – Human Rights (Indicator 4.e.)

In line with the INC, the international human rights were supposed to be adopted and enjoyed under Sudanese law. To monitor the human rights and fundamental freedoms the CPA called for the establishment of two Human Rights Commissions (NHRC), one at the national level and one at the Southern Sudan level. Have the international human rights treaties been enjoyed under Sudanese law or have they been violated?

The legislation for the Southern Human Rights Commission was passed on 3 February 2009 and by 2011 the commissions had established eight out of ten state offices. On 21 April 2009, the National Assembly adopted the National Human Rights Commission Bill. In 2011, the commissioners to this commission had not yet been appointed. There had been noted positive development on the situations of human rights in Sudan, but there were still areas for improvement (CPA Monitor April 2011: 6; 20-21).

Abulemoi (2011: 98) points out that the Bill of Rights, which has been incorporated into the INC, however, “does not say that the international human rights instruments ratified by the Sudan are directly enforceable in a Sudanese court”. This, he says, is one of several flaws in the bill. The Bill of Rights included several human rights and guarantees, “[h]owever, if there is no provision to enforce international human rights provision, its effect will be limited” (Abulemoi 2011: 99). Several human rights, enshrined in the INC, have been violated.

According to Human Rights Watch (2009), detainees have routinely been tortured, despite the law against torture.

The INC prohibits the use of torture and other forms of ill-treatment, but it does not incorporate safeguards to prevent torture and other forms of ill-treatment as is the international norm (Abulemoi 2011: 99).

Another weakness was the provisions for women and children, which not were enforceable but simply a guiding principle.

Outbursts of conflicts happened in tense areas North of the 1956 border “while a peace agreement signed by the government and one rebel group did not end simmering conflict or improve the human rights situation in the western province of Darfur” (Human Rights Watch 2012^a: 1). The government failed in protecting its civilians from violence.

Across the country, lack of capacity and inadequate training of police, prosecutors, and judges have resulted in numerous human rights violations in law enforcement and in the administration of justice (Human Rights Watch 2012^b: 1).

The two Human Rights Commissions have been established and the international human rights have been adopted. However, not all of them are granted by law and there still happens violations of the human rights. I grade the fulfilment of humanitarian rights to “scarcely implemented” (11-33 %).

3.4.5. Summary of Actual Implementation of Dimension IV: Political Issues

In the table below (Table 11), I have summed up all the indicators derived from the dimension “political issues”. Following my evaluation of the indicators, this dimension seems in general to have a rather high degree of implementation – a score of 3.6. As mention previously, the national elections and the referendum in South Sudan have been CPA milestones with pertaining great expectations and international attention. This could be a reason for the success.

Table 11 *Detailed evaluation of implementation (IV): Political issues*

Criteria/indicator	Central facts	Evaluation of implementation status
4.a. Has the population census been held as planned through the Sudan?	Was completed after several delays, but GoSS refused to usage of the results.	“partial implemented” (34-66 %)
4.b. Have democratic general elections been held as planned through the Sudan?	The elections were held peacefully at all levels in May 2010.	“largely implemented” (67-89 %)
4.c. Did international observers participate in the observation of the elections and how did they perceive the performance?	Several, both international and regional organisations, monitored and observed the elections.	“largely implemented”? (67-89 %)
4.d. Did “the people of Sudan [get] the right to self-determination, <i>inter alia</i> , through a referendum to determine their future status”? ⁵²	The referendum was held successfully at scheduled date and the result was close to unanimously in favour of secession. North Sudan accepted the result.	“fully implemented” (90-100 %)
4.e. Have the international human rights treaties been enjoyed under Sudanese law and have they been violated?	Not all human rights are guaranteed by law and several have been violated	“scarcely implemented” (11-33 %)
Average level of implementation of the Dimension IV		3.6

3.5. Implementation of “economic development and institution building”

The development of the Sudanese economy and the establishment of economic institutions are necessary in the reconstruction of a post-conflict Sudan, especially in the South.

South Sudan has set out to build an economy almost from scratch, creating economic institutions and working toward establishing an environment conducive to growth and stability (IMF 2011^c)

The restructuring of the country needed assistance from the international society but the main expenditures were to be covered by the GoS and GoSS. Because of the parties’ mistrust with each other, the CPA emphasised the need to establish a transparent economic system. An allocation and monitoring commission was established to guarantee and monitor equal grants from the national funds. Under the wealth sharing chapter in the CPA, the parties agreed on general principles related to the fiscal process, like transparency, decentralization and a reducing of regional inequalities (CPA Monitor April 2011: 23).

⁵² CPA 2005: 2 – Chapter 1: 1.3

3.5.1. Economic Development and Institution Building – Financial Assistance (Indicator 5.a.)

The CPA called for assistance from both the national government and international third parties in the rebuilding of South Sudan. In order to restructure the war-ravaged Sudan, the CPA established specific funds to work towards this goal, called Multi-Donor Trust Funds (MDTFs). These funds should collect the money from both domestic and international organisations, and later disburse the money. As a measurement for the implementation of the CPA, I therefore ask whether South Sudan has received financial assistance?

Both the National and the Southern MDTFs were formally established at the Oslo Sudan Donor Conference in April 2005 (World Bank 2008: 1). The funds were administered by the World Bank. Overall payments from the MDTFs have been operated slower than expected. These delays were caused partly by the complexity of the MDTF and World Bank procedures. At the Oslo conference, 11 donors pledged \$508.5 million to the two MDTFs for the period 2005-2008. As of December 2007, 15 donors had promised \$586 million to the two funds for 2005-2008 (World Bank 2008: viii). On the MDTFs meeting in March 2007, the donors made it clear that they expected progress in the conflicted area of Darfur if they were to continue to finance the development in North. After significant progress in 2006, the donors urged the GoSS “to focus on building of public institutions for good governance, establishing basic infrastructure links, enabling productive activities and delivering basic services” (CPA Monitor April 2011: 24-5). By August 2007, the funds had received an amount of \$384.8 million (\$132.5 million for the National MDTF and \$252.4 million for the Southern Sudan MDTF) of the \$561.3 million promised (CPA Monitor April 2011: 24-5).

In 2008 it was decided that the progress of the implementation of the social and economic aspects of the CPA from 2005 to 2007 was to be reviewed. It existed an agreement to focus on recovery and development for the rest of the interim period. The donors promised about US\$4.8 billion from 2008 till 2011 in support to humanitarian, recovery and development efforts in Sudan (CPA Monitor April 2011: 25). Nevertheless, the MDTFs have had some problems since the establishment in 2005. Money allocations have been withheld because of sanctions (Abulemoi 2011: 190).

The MDTFs were established at schedule and received funds from 15 different donors between 2005 and 2007. There were some problems connected to the establishing of the

funds, but the donors have registered some progress. This indicator seems to have been “partially implemented” (34-66 %).

3.5.2. Economic Development and Institution Building – Joint National Transitional Team (Indicator 5.b.)

Another claim in the CPA was the establishment of the Joint National Transitional Team (JNTT) to prepare budget estimates for all the different levels of government. Have this institution been established?

The JNTT was established on 9 March 2005 with a hope that it could play an important role in resource distribution. In June 2005, the parties agreed that the JNTT should cover the preparations for the CPA’s power-sharing as well as wealth-sharing agreements. The JNTT played an essential role in the preparations for the second Sudanese consortium meeting in March 2006. The transitional teams have worked closely with UNDP to receive international consultation (CPA Monitor April 2011: 24). “There have been reports that the JNTT will focus on charting progress with regard to security institutions, DDR, equitable and effective delivery of basic services and conflict resolution” (CPA Monitor March 2006: 22).

From what I have found about the establishment and functioning of the JNTT, I can verify its establishment. However, it has been difficult to find out much about its functioning and achievements. I therefore grade it so far: Inconclusive

3.5.3. Economic Development and Institution Building – Dual Banking System (Indicator 5.c.)

Under the CPA the Bank of Southern Sudan was supposed to be established as a branch of the Central Bank of Sudan, to reflect the duality in the country with an Islamic North and a conventional South. Has the CBoS “develop[ed] two sets of banking instruments, one Islamic and the other Conventional” (CPA 2005: 59 – Chapter 3: 14.3)?

In June 2005, the JNTT reported that the Bank of Sudan had been restructured into a dual banking system and on 19 July 2005, the GOSS and the Central Bank of Sudan opened the Juba branch (AEC 2011: 9; CPA Monitor April 2011: 24). The AEC’s final report could tell about a dual banking system that overall operated well in accordance with the CAP. However, in AEC’s annual report for 2010, they report of “periodic disagreements [...] as to whether oil

revenue transferred to the [S]outh should be in foreign currency or Sudanese pounds” (AEC 2011: 9).

The BoSS has been established as a conventional branch of the national central bank and the dual banking system operated well despite some periodic disagreements. I therefore grade this indicator to “largely implemented” (67-89 %).

3.5.4. Economic Development and Institution Building – Fiscal and Financial Allocation and Monitoring Commission (Indicator 5.d.)

Has the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) ensured transparency and fairness in regard to the allocation of nationally collected funds?

The FFAMC was established by presidential decree on 15 November 2005 to monitor all allocations of revenues at the national level. “The FFAMC initially got off to a slow start, raising concerns over delays in transfers of national revenues to states, in particular to the Three Areas” (CPA Monitor April 2011: 23). The AEC mid-term report stated that the FFAMC was functioning and that the commission had developed formulas for allocating and distributing revenues to all the states (AEC 2008: 24-5). The same report told that the commission now needed the requested information from the Southern states in order to proceed. Transparency International ranked Sudan as 177 out of 182 countries in its 2011 corruption perception index (Transparency International 2011).

The FFAMC seems to be functioning, however slowly. The commission have developed formulas for distribution of allocations but lacked in 2008 information from the Southern states. Sudan was in 2011 one of the world’s most corrupt countries, which indicates that there is not much transparency in the economic system. I therefore grade this indicator to “scarcely implemented” (11-33 %).

3.5.5. Summary of Actual Implementation of Dimension V: Economic Development and Institution Building

The economic development and institution building in Sudan seems to have achieved mixed results. On a general basis, it looks like there have been several difficulties in the establishment of a transparent economic environment. Sudan was in 2011 one the world’s most corrupt countries. Many of the economic institutions required by the CPA, got off to a

slow start and have had problems functioning properly. I have summarised my findings of the actual implementation of the CPA economic dimension in the table below (Table 12). I found the average level of implementation for this indicator to be 3.

Table 12 *Detailed evaluation of implementation (V): Economic development and institution building*

Criteria/indicator	Central facts	Evaluation of implementation status
5.a. Have the national government and international organisations financially assisted the GoSS in the establishment of the transitional governments?	Received funds from 15 different donors. There have however been some problems with the establishment of the funds. South Sudan received most of the oil revenues it was entitled to, but the North still owes the South great arrears.	“partially implemented” (34-66 %)
5.b. Has the Joint National Transitional Team (JNTT) prepared budget estimates for the establishment for the levels of government?	The JNTT has been established but it has been difficult to find information about its functioning.	Inconclusive
5.c. Has the CBoS “develop[ed] two sets of banking instruments, one Islamic and the other Conventional”? ⁵³	The dual banking system has been established.	“largely implemented” (67-89 %)
5.d. Has the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) ensured transparency and fairness in regard to the allocation of nationally collected funds?	The FFAMC is functioning, however slowly. Sudan was in 2011 one of the world’s most corrupt countries.	“scarcely implemented” (11-33 %)
Average level of implementation of Dimension V		3

3.6. Implementation of “regional issues: Abyei region”

With the absence of demarcated borders around the Abyei area, it became easy for the two parties to deploy forces in areas contested by the other party. This gave rise to tension. Scarce natural resources in the area further fuelled the tension and fighting broke out between the SAF and SPLA between 13 and 20 May 2008. This led to the signing of a new, supplying

⁵³ CPA 2005: 59 – Chapter 3: 14.3

agreement on Abyei, the Abyei Road Map, signed between the NCP and SPLM on 28 May 2008.

3.6.1. Regional Issues: Abyei Region – Special Administrative Status (Indicator 6.a.)

Since the parties could not agree on the Abyei area, Abyei was given “special administrative status under the institution of the Presidency” to be “administered by a Local Executive Council, elected by the residents of Abyei” (CPA 2005: 66 – Chapter 4: 2.1-2). I ask whether the state building in Abyei has been successful?

Three years into the interim period, in 2008, the executive council of Abyei had still not been established. “The lack of civil administration in Abyei hampered the progress of the CPA and left gaps in education, sanitation and health services and undermined security and stability in the area” (Abulemoi 2011: 156). This observation was supported by NORAD (2010^b: 11) which reported that Abyei’s “administration has been weak from the beginning”. The administration has been inefficient which has led to failure in the utilisation of resources to offer necessary services established in the CPA.

On 31 December 2007, GoSS President Salva Kiir appointed SPLM key person from Abyei as Chairman of SPLM in Abyei area. This appointment was accepted by the NCP since it did not violate the Abyei Protocol, and the NCP announced that they would wait and judge the chairman by his actions. However, in March 2008, the NCP took a turnabout and rejected the SPLM chairman in Abyei “in the strongest possible terms”, and describing it as an act that “transgresses the authority of the President which owns alone the decision to appoint the administration of Abyei” under the CPA. On 8 June 2008, President Al-Bashir published a decree adopting an agreement between the two parties (CPA Monitor April 2011: 26).

The two parties cannot seem to agree in the Abyei case. This has is also reflected in the state building indicator. The administration in Abyei has been weak from the beginning and it cannot offer the necessary services to Abyei’s citizens. I have not managed to find information about whether Abyei has been represented in the legislatures of both Western Kordofan and Bahr el-Ghazal. I therefore grade this indicator to “scarcely implemented” (11-33 %).

3.6.2. Regional Issues: Abyei Region – International Monitors (Indicator 6.b.)

In the protocol on the resolution of the Abyei conflict there was required the observance of international monitors to ensure *full* implementation of the agreement. As a second indicator of the implementation of the CPA in the Abyei area, I ask whether this have happened?

The UNMIS' operational area in Abyei and surrounding areas have been restricted severely by both parties since the signing of the CPA.⁵⁴ In March 2006, SAF excluded UNMIS from a number of towns in the North of the Abyei area from monitoring and verifications. This restricted UNMIS' operational area to about 30 % of the Abyei area. In September 2006, SPLA did the same, restricting the movement of UNMIS monitors South of Abyei. In February 2007, both parties imposed more restrictions which reduced the movement of UNMOs in Abyei to no more than 15 km². However, after the signing of the 2008 Abyei Roadmap, UNMISs expanded its area of movement to the whole Abyei Administrative Area (CPA Monitor April 2011: 27).

In the beginning of the interim period, both parties restricted the UNMO's operational area. However, since the signing of the supplementary Abyei Roadmap, UNMO has enjoyed freedom of movement. I therefore grade the implementation of this indicator to “partially implemented” (34-66 %).

3.6.3. Regional Issues: Abyei Region – The Abyei Referendum (Indicator 6.c.)

Through a referendum held simultaneously as the referendum in South Sudan, Abyei was supposed to determine whether Abyei area should remain a part of the North or go to the South. Was the referendum conducted in accordance with the CPA?

The referendum in Abyei was scheduled to take place on January 9 but it did however never take place during the CPA interim period. The problem was for the parties to agree on who constituted a resident of Abyei, and based on this, who could cast a vote in the referendum. Despite the consensus to the Abyei referendum law, there never followed an establishment of the Abyei referendum commission provided for in that law (AEC 2011: 4-5; IMF 2011^a: 4). “A decision on whether Abyei would join the South or North will need to be made in the future” (IMF 2011^a: 4).

⁵⁴ UNMOS operational area in Abyei was called Sector VI and contained: Abyei; Sector Headquarters Abyei; Troop Contributing Country Zambia. This sector includes the disputed oil region surrounding and extending north from the town of Abyei.

Neither the establishment of the referendum commission nor the carrying through of the referendum has been accomplished. Therefore I grade the Abyei referendum-indicator to “not implemented” (0-10 %).

3.6.4. Regional Issues: Abyei Region – Border Demarcation (Indicator 6.d.)

The Abyei Boundary Commission (ABC) was established to complete the task of defining borders of the conflicting Abyei area. Have the commission managed to complete this complicated task?

The definition of the Abyei area has proven to be one of the most challenging and difficult issues in the implementation of the 2005 CPA. Both the North and the South claimed ownership of the area. Independent experts concluded in their report, however, that there was no clearly demarcated boundary of the Abyei area (CPA Monitor April 2011: 25; Abulemoi 2011: 155).⁵⁵

On 22 July 2009, it was determined by court that the Abyei area’s “[N]orthern boundary lies along latitude 10°10’ North, its [W]estern boundary along longitude 27°50’ East, and its [E]astern boundary along longitude 29°00’ East” (CPA Monitor April 2011: 25). All concerned parties, the SPLM, NCP, and Misseriya and Ngok-Dinka tribal leaders, publicly accepted the CPA decisions as final and binding. The NCP and SPLM committed themselves to complete the boundary demarcation of Abyei by September 2009 (CPA Monitor April 2011: 25).

After many problems concerning the definition of the Abyei area, the boundaries were determined in court. All concerned parties publicly agreed to this decision. Despite the big problems, I grade this indicator to “largely implemented” (67-89 %).

⁵⁵ More history on the conflict of Abyei under Regional Issues: Abyei (Dimension VI).

3.6.5. Regional Issues: Abyei Region – Abyei Oil Revenues (Indicator 6.e.)

The CPA protocol on the resolution of the conflict in Abyei stated clearly the allocation of net oil revenue from oil produced in Abyei during the interim period, which was to be divided by six parties.⁵⁶ Were net oil revenues from Abyei area shared in accordance with the CPA?

From the oil production in Sudan took off in 1999 and until to 2006, Abyei has been estimated to have produced 196 million barrels of oil. However, three years after the signing of the CPA, the agreed allocations were not fully accomplished. The oil sector was still being controlled by the Northern NCP and corruption was widespread (Abulemoi 2011: 157). UNMIS (2009) reported during the first three years of the CPA interim period that “the government in Khartoum kept all of the oil revenue coming out of Abyei, on the grounds that it had yet to reach consensus with its southern counterpart on the area’s borders” (UNMIS 2009). By this time, oil revenues from Abyei had supplied Khartoum with more than \$2 billion. The sharing of the oil revenue from Abyei was formally introduced with the signing of the Abyei Roadmap in 2008 (UNMIS 2009). Because of the failure to agree on Abyei’s civil administration, neither the Ngok Dinka nor the Misseriya received the 2 % they were promised in the CPA (NORAD 2010^b: 10).

The sharing of the oil revenues from Abyei was non-existent the first three years. The sharing of the Abyei oil is said to be “the biggest outstanding issue dividing the CPA partners” (UNMIS 2009). I grade this to “not implemented” (0-10 %).

3.6.6. Regional Issues: Abyei Region – Share of National Revenue (Indicator 6.f.)

Under the CPA, Abyei was entitled to money to boost its economy and to develop the area. Has Abyei received the share of national revenue it is entitled to according to the CPA?

According to Abulemoi (2011), these financial provisions required by the CPA, have not yet been implemented four years into the interim period. This delay could partly be explained by the disagreement on the border demarcation issue and partly because the financial provisions were supposed to take place simultaneously as ones in South Sudan (Abulemoi 2011: 156).

⁵⁶ As mentioned in the theory chapter of Dimension VI, the oil revenues from Abyei were supposed to be allocated as follows: GoS (50 %); GoSS (42 %); the Bahr el Ghazal region (2 %); the Western Kordofan (2 %); the Ngok Dinka (2 %); and the Misseriya people (2 %)

Here I have managed to find very little information. However, I grade this indicator to “not implemented” (0-10 %).

3.6.7. Regional Issues: Abyei Region – International Donors (Indicator 6.g.)

Has the national government “appeal[ed] to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area” (CPA 2005: 67 – Chapter 4: 3.4)?

I have not managed to find any information about the financing of the return of residents from Abyei. I therefore grade this indicator so far as: Inconclusive.

3.6.8. Summary of Actual Implementation of Dimension VI: Regional Issues: Abyei Region

Abyei is so far in this study the dimension where the parties have been least successful in their implementation of the CPA. Especially the sharing of oil and the demarcation of borders have been complicated processes. In addition there were complications due to the movement areas of the UN monitors, where both parties restricted their area severely. I have summarised all the evaluations of the indicators in the table below (Table 13) and found the average score of implementation to be 2.

Table 13 *Detailed evaluation of implementation (VI): Regional issues: Abyei region*

Criteria/indicator	Central facts	Evaluation of implementation status
6.a. Has Abyei been “accorded special administrative status under the institution of the Presidency” and been “administered by a Local Executive Council, elected by the residents of Abyei”? ⁵⁷	Weak state building in Abyei.	“scarcely implemented” (11-33 %)
6.b. Have international monitors been deployed to ensure <i>full</i> implementation of the agreement?	During the first years, UNMO’s operation area got severely restricted by both parties. This changed after the Abyei Roadmap was signed, and they have enjoyed freedom of movement since.	“partially implemented” (34-66 %)
6.c. Has the Presidency established “an Abyei referendum Commission to conduct Abyei referendum simultaneously with the referendum of Southern Sudan”? ⁵⁸	The referendum in Abyei did never take place during the interim period.	“not implemented” (0-10 %)
6.d. Has the Abyei Boundary Commission demarcated the Abyei area?	The boundaries had to be decided in court	“largely implemented” (67-89 %)
6.e. Were net oil revenues from Abyei area shared in accordance with the CPA during the interim period?	Non-existent for the first three years when North took it all. Established in 2008 with the signing of the Abyei Roadmap	“not implemented” (0-10 %)
6.f. Has Abyei received the share of national revenue it is entitled to according to the CPA?	Abyei have not received its share of national revenues.	“not implemented” (0-10)
6.g. Has the national government “appeal[ed] to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area”? ⁵⁹	I have not managed to find information about this indicator.	Inconclusive
Average level of implementation of Dimension VI		2

⁵⁷ CPA 2005: 66 – Chapter 4: 2.1-2

⁵⁸ CPA 2005: 69 – Chapter 4: 8.1

⁵⁹ CPA 2005: 67 – Chapter 4: 3.4

3.7. Implementation of “Regional issues: Southern Kordofan/Nuba Mountains and Blue Nile State”

The AEC mid-term report stated already in 2008, that “there has been progress in implementation of the Protocol for Southern Kordofan and Blue Nile” (AEC 2008: 32). Still, the AEC’s final report offered several recommendations of improvement in the two states. It encouraged all involved parties, both the GoNU and international donors, to focus on development there. In June 2011, it broke out fighting in Southern Kordofan “in which the ceasefire that had held for most of the previous decade broke down disastrously” (AEC 2011: 6). Even though this happened after the interim period, it happened much because of lack in the progress of the security arrangements in the state. The reports told, nonetheless, that “efforts had been made by the parties during the period under review to achieve progress” (AEC 2011: 6).

3.7.1. Regional Issues: Southern Kordofan/Nuba Mountains and Blue Nile States – Popular consultations (Indicator 7.a.)

Popular consultations should be used as a “democratic right and mechanism to ascertain the views of the people of Southern Kordofan/Nuba Mountains and Blue Nile States on the comprehensive agreement” (CPA 2005: 74 – Chapter 5: 3.1). Have the process, conducted through the democratically elected legislatures of the two states, been established?

In November 2010, United States Institution of Peace (USIP) reported that the two states had begun the process of popular consultations which permitted them to “either adopt the CPA as the final settlement between the two states and the Government of Sudan (GoS) or renegotiate the CPA to remedy any shortcomings and reach a final settlement” (USIP 2010: 1).

The NA passed the Popular Consultation Organisation Law in December 2009. Both states began civic education and awareness campaigns to educate the people about popular consultations. The programme was funded by USAID and implemented by civil society organisations.⁶⁰ Both states were supposed to form a Popular Consultation Parliamentary Commission (PCPC) to “conduct consultations throughout each state, targeting different localities and interest groups” (USIP 2010: 3) The Blue Nile established its commission on 18 September 2010 which consisted of 21 members; 13 from the NCP and eight from the SPLM (UNMIS 2011: 1). The commission was delayed in Southern Kordofan because of delays in

⁶⁰ USAID is the government agency providing U.S. economic and humanitarian assistance

the state elections. The popular consultations started in Blue Nile State in September 2010 but because of lack of confidence in the process, the consultations were never held in either state (ICG 2011^b).

The process of popular consultations seems to have started in both states, nevertheless with some delays. But either state has managed to hold the consultations. I grade this indicator to “not implemented” (0-10 %).

3.7.2. Regional Issues: Southern Kordofan/Nuba Mountains and Blue Nile States – State Institutions (Indicator 7.b.)

Have each of the two states established a state government with a state executive, a state legislature and a state judiciary, and have the governments been rotational “with each Party holding the Office of Governor for half of the pre-election period” (CPA 2005: 80 – Chapter 5: 11.1.2)?

The legislative council of Southern Kordofan/Nuba Mountain was established on 12 December 2005 and consisted of 54 members; 30 from NCP and 24 from SPLM. From their first meeting on 13 March 2007 the council was a functioning organ (CPA Monitor April 2011: 29). The formation of Southern Kordofan government was delayed, mainly because of failure to adopt the state constitution. “The resulting partial paralysis of the executive prevented the appointment of ministers and the proper functioning of the legislature” (CPA Monitor April 2011: 29).

On 1 July 2007, President Al-Bashir sworn in a NCP-representative as the new Governor of Southern Kordofan State, replacing the SPLM delegate. “The rotation of Governors should have taken place in April 2007, but was postponed by mutual consent” (CPA Monitor April 2011: 30). By the beginning of January 2008, the Governor had appointed the state cabinet, equally represented by both parties with five ministers each (CPA Monitor April 2011: 30).

The Blue Nile State Government was formed on 5 December 2005 and was represented by eight ministers and five local commissioners. Seats were allocated in accordance with the CPA formula; NCP 55 % and SPLM 45 %. This division of seats resulted in protests from some groups, mainly groups from the Western part of Blue Nile, because of the lack of inclusiveness (CPA Monitor April 2011: 32).

On 1 July 2008, President Al-Bashir was sworn in a SPLM-representative as governor of Blue Nile State replacing the NCP-delegate. Even though the rotation should have taken place in February 2007, it did at least happen in Blue Nile, in contrast to Southern Kordofan (CPA Monitor April 2011: 32).

Both states managed to establish state councils and institutions. The rotational governorship was also functioning to a large degree but with some delays. I therefore grade the state building-indicator to “largely implemented” (67-89 %)

3.7.3. Regional Issues: Southern Kordofan/Nuba Mountains and Blue Nile States – The Assessment and Evaluation Commission (Indicator 7.c.)

Have the legislatures of the two states established “a Parliamentary Assessment and Evaluation Commission to assess and evaluate the implementation of the agreement in each State” (CPA 2005: 74 – Chapter 5: 3.3)?

On 26 July 2007, the AECs for both states were established by presidential decree, just within the deadline of the second year of the interim period (CPA Monitor April 2011: 30). By 21 April 2008, the Blue Nile State AEC had travelled around the state to evaluate NCP’s and the SPLM’s efforts to implement the CPA. The AEC reported of a consensus among the two parties on the importance to implement the agreement (CPA Monitor April 2011: 32).

During the elections in Southern Kordofan, which took place from 2 to 4 May 2011, AEC deployed members to monitor the elections. In Blue Nile state, the AEC led a working group which focused on security in the state. The group reported of very high level of tensions by both sides and of military build-ups (AEC 2011: 6).

The AEC’s in both states were established within the planned timeframe and seems to be functioning quite well. They have done tours around the states to evaluate the CPA implementation and they have monitored the elections. I therefore grade this indicator to “fully implemented” (90-100 %).

3.7.4. Regional Issues: Southern Kordofan/Nuba Mountains and Blue Nile States – Allocation of Money (Indicator 7.d.)

Under the CPA, the two states were promised economic support, both from the national government and from international donors. A total of 75% of the National Reconstruction and

Reconciliation Fund (NRDF) was supposed to be transferred to the development of war affected areas and least developed areas, particularly Southern Kordofan/Nuba Mountains and Blue Nile State. Have the two states received the national allocations and transfers promised to them under the CPA?

Southern Kordofan has always been the most unstable of the three areas. However, it has also been the most developed. NORAD's report (2010^b: 13) could tell that Blue Nile was only granted 6% of its requirements to development by the national government. However, Blue Nile "is governed by a strong charismatic Governor" who managed to negotiate with the national government "and thus secured federal funding for various development projects in the State" (NORAD 2010^b: 14). Still, Blue Nile lags far behind Southern Kordofan in reconstruction and development with Sudan's lowest life expectancy for women and major HIV/AIDS concerns.

The key donors for the two states during the interim period have been the USA, the UK, Norway, the Netherlands, several UN agencies and international and local NGOs. "During the first years after the signing of the CPA, every donor has its own policies, towards the Areas" (NORAD 2010^b: 22). This resulted in the lack of a joint approach. "[O]ne of the major obstacles identified by the donors themselves is their own lack of capacity to get together caused by insufficient staffing" (NORAD 2010^b: 23).

However, much because of "the rigidity of the bureaucratic structures of organisations that are disbursing the funds, such as the World Bank" (NORAD 2010^b: 21), several efforts to donor funds into the three areas have failed. The national MDTF's attempt to deliver peace dividends has been unsuccessful and the transfers have been very slow. Part of the national MDTF's failure has also been the national government's refusal to contribute to the fund. The national MDTF "did not proceed to its second phase, and it is currently no longer considered to be a viable mechanism, for fund disbursement" (NORAD 2010^b: 21). Most of the money invested in the region goes to the UNMIS which focus on military forces and not on local communities (NORAD 2010^b: 22).

Of what I have found so far about transfers to Southern Kordofan and Blue Nile state, it seems that they have received some financial support, but not as much as they were promised. The national MDTF which was supposed to allocate 75 % of its total amount on the two

states, was half-way into the interim period considered not viable. I grade the financial aspect to “scarcely implemented” (11-33 %).

3.7.5. Summary of Actual Implementation of Dimension VII: Regional Issues: Southern Kordofan/Nuba Mountains and Blue Nile State

Since the Southern Kordofan and Blue Nile are not interested in separation and not are rich in oil deposits, the CPA implementation in these two states have reached a higher level than in Abyei. However, many of the arrangements agreed upon in the CPA have not been implemented. The popular consultations that were supposed to be the means for democratic foundations in the states have not been completed in either state. The economic allocations that were to help in reconstructing the states after the ravages of war were not fulfilled neither. I have summarised the findings of the CPA implementation in the two states in Table 14 below. The calculated average score for Dimension VII is found to be 3.

Table 14: *Detailed evaluation of implementation (VII): Regional issues: Southern Korodfan/Nuba Mountains and Blue Nile State*

Criteria/indicator	Central facts	Evaluation of implementation status
7a. Have popular consultations been used as a “democratic right and mechanism to ascertain the views of the people of Southern Kordofan/Nuba Mountains and Blue Nile State” ⁶¹	Not been held in either state.	“not implemented” (0-10 %)
7.b. Have each of the two states established a State government with a state executive, a state legislature and a state judiciary, and has the system with rotational governorship in the states “with each Party holding the Office of Governor for half of the pre-election period”, been successful? ⁶²	Both states have established state councils and institutions. The rotational governorship was functioning but with some delays.	“largely implemented” (67-89 %)
7.c. Have the legislatures of the two states established “a Parliamentary Assessment and Evaluation Commission to assess and evaluate the implementation of the agreement in each State” ⁶³	The AEC’s in both states were established within the planned timeframe and seem to be functioning well.	“fully implemented” (90-100 %)
7.d. Have the two states received transfers and government assets as required by the CPA in order to develop the war affected and least developed areas?	Bureaucracy and rigidity in the structure of the donor organisations have made the money transfers difficult.	“scarcely implemented” (11-33 %)
Average level of implementation of Dimension VII		3

3.8. Final Summary of Partial Analyses

In preparation for the comprehensive analysis, the results of the partial analyses may be summarized as follows:

1. Political institution-building: One of this dimension’s seven indicators I have found to be “partially implemented”. This concern questions related to the establishment of the political institutions at the state level. Two indicators, the GoNUs decentralisation of power and the establishment of the political institutions at the Southern Sudan level, were graded with

⁶¹ CPA 2005: 74 – Chapter 5: 3.1

⁶² CPA 2005: 80 – Chapter 5: 11.1.2

⁶³ CPA 2005: 74 – Chapter 5: 3.3

“scarcely implemented” and one, the priority to promote unity in Sudan, was given the score “not implemented”. Two indicators, the INC being the supreme law of the land and the establishment of political institutions at the national level, were given the score “largely implemented”, and one indicator, the monitoring and evaluation of the implementation of the CPA, was graded “fully implemented”.

2. Wealth sharing: Under this dimension, there are two indicators that have been graded “not implemented”: that all areas in Sudan should be brought up to the same socio-economic level, and the right to compensation for land owners of oil rich land. Two indicators were graded “scarcely implemented”, the establishment of the NCP and the 2 % transfers to the oil producing states. Both the fulfilment of allocations from North to South scored “partially implemented”. “Largely implemented” were the 50/50 sharing between the North and the South of the oil revenues, and the pooling of all nationally collected revenues into the NRF. One indicator, the starting of the land ownership process” was graded “fully implemented”.

3. Military security: In total three of the eight indicators measuring the implementation of the military security-dimension in the CPA, were considered “largely implemented”. These were that the 1/1/1956-line had been kept inviolate; the formation and deployment of the JIUs; and the integration of the OAGs. None of the indicators under this dimension were graded either “not implemented” or “fully implemented”. The three indicators: the keeping of the ceasefire; the establishment of the ceasefire monitoring institutions; and the DDR-process, were graded “scarcely implemented. One indicator, the redeployment of SAF and SPLA, were considered “partially implemented”. One indicator, the JDB as commander of the JIUs, was graded “inconclusive”

4. Political and social issues: Of the five indicators under this dimension, two were graded “largely implemented”: the fulfilment of the general elections, and the international observers’ perception and observation of the elections. The keeping of the international human rights was considered “scarcely implemented” while the referendum in South Sudan was considered “fully implemented”. The fulfilment of the population census was graded to “partially implemented”.

5. Economic development and institution building: Of these four indicators, one is (so far) considered “inconclusive”: the JNTT’s budget estimates. One indicator, the FFAMC’s job to ensure transparency in regard to the national allocations, was graded “scarcely implemented”; one indicator, the financial assistance to GoSS and the establishment of the Multi-Donor Trust

Funds, was graded “partially implemented”; and one indicator, the establishment of the dual banking system, was graded “largely implemented”.

6. Regional issues: Abyei: Of the seven indicators under the Abyei-dimension, one is (so far) considered “inconclusive”: the facilitation of returnees to the area. Under this dimension, three indicators were graded “not implemented”, the fulfilment of the Abyei referendum; the sharing of Abyei’s oil revenues; and Abyei’s share of national revenue. No indicator was “fully implemented” but one indicator, Abyei’s special administrative status, was graded “scarcely implemented”; one was graded “partially implemented”, the deployment of international monitors to ensure full implementation of the CPA; and one was considered “largely implemented, the ABC’s demarcation of Abyei’s borders.

7. Regional issues: Southern Kordofan/Nuba Mountains and Blue Nile State: The popular consultations that were supposed to be the democratic right of the people in the two states have been graded “not implemented”. The next indicator, the national transfers to develop the war affected areas, scored “scarcely implemented”. The establishment of the two states’ institutions were considered “largely implemented”, while the establishment of the AEC’s to evaluate the implementation of the CPA was graded “fully implemented”.

4 Comprehensive analysis on the implementation of CPA – and conclusions

This chapter will endeavour to collect the results from the partial analyses into a comprehensive analysis. I will compare the implementation level of the different dimensions and range the dimensions from most to least implemented.

4.1. Comprehensive analysis: How and to what extent are the various aspects of the CPA implemented?

At the outset of this study, I raise the following research-question which we now have the empirical facts to be able to shed light on:

To which degree and in what way has the Comprehensive Peace Agreement been implemented by the parties in the Sudanese civil war after the signing on 9 January 2005 and until the end of the interim period on 9 July 2011?

Table 15 shows that there is some variation of the implementation of the different dimensions. The gap between the highest (3.6) and lowest (2) implemented dimension is however not that big. Most dimensions have an implementation value of 3, which is below the mean value (3.5). I have gathered all the means and presented them in the table below (Table 15).⁶⁴

Table 15. *The dimensions' calculated empirical implementation*

Empirical dimension	Implementation: Mean level (1-5)	Ranging
D1: Political institution-building	3	2 (shared)
D2: Wealth sharing	2.75	3
D3: Military security	3	2 (shared)
D4: Political issues	3.6	1
D5: Economic issues	3	2 (shared)
D6: Regional issues: Abyei region	2	4
D7: Regional issues: Southern Kordofan/Nuba Mountains and Blue Nile State	3	2 (shared)
Mean value of implementation (not weighted)	2.9	

⁶⁴To be able to range the different dimensions of the CPA based on achieved implementation, I assigned each indicator a value of score that varies from 1 (“not implemented”) to 5 (“fully implemented”). The value of score was summed at the bottom of each table in chapter 3 and divided by the number of indicators. The number that emerged for each of the six/seven dimensions is a weighted mean of the indicators respective values of score. The results from these calculations were represented at the bottom of each dimension in the partial analyses.

The first thing that strikes me when I look at the dimensions' mean levels of implementation is the similar averages, with an overall mean value of 2.9. This implies that the implementation of the CPA is less than halfway implemented. The one dimension that stands out negatively is number 6, the "Regional issue: Abyei" (2), as the definitely least implemented dimension of the CPA. As we saw in the partial analysis of dimension 6, the parties have not managed to reach agreement on most of the CPA articles for the Abyei area. The planned referendum was not carried through, nor was the sharing of Abyei's oil revenues. The second weakest dimension is the "wealth sharing"-dimension (2.75). Several important indicators lack implementation here as well. In the middle, close to the overall mean value (2.9), lie "economic issues" (3); "regional issues: Southern Kordofan/Nuba Mountains and Blue Nile State" (3); "political institution-building" (3) and "military security" (3). The dimension that scored the highest was "political issues" (3.6). In chapter 3 we saw that both the referendum and the general elections were held successfully. This high score could be because the indicators under this dimension have been easier to implement, not least due to the fact that the general elections and the referendum in South Sudan were benchmarks in the CPA that got a lot of international attention.

4.2. Recapitulation of research question and approach

The basis for this study was the CPA's content and the ideal the treaty represented. I have in this thesis focused on to which degree and in what way the Comprehensive Peace Agreement in Sudan has been implemented from January 2005 and till January 2011. The approach that was to lead to the results of the analysis consisted of four steps.

I started by explaining the political and historical relations that lead to the Sudanese civil wars and the subsequent signing of the CPA. The reason to derive such an empirical background chapter was to give the reader the necessary information to understand the complexity of the problems in Sudan.

In the next phase of the study I studied the CPA with the intention to develop a set of criteria. The seven dimensions that were developed here was: political institution-building; wealth sharing; military security; political and social issues; economic issues; regional issues: Abyei; and regional issues: Southern Kordofan/Nuba Mountains and Blue Nile State. Together these dimensions represented an ideal model for peace and reconstruction of a war-ravaged Sudan that the implementation of the treaty would be measured against/towards/compared to, to be able to evaluate to which degree and in what way the treaty was followed up in practice.

Third phase that led to the study's findings went out on documenting the parties' actual implementation along the seven main deduced dimensions. Here was also the actual implementation put up against the ideal set of criteria – the CPA.

The fourth phase in study, the partial and final comprehensive analyses, was directed towards answering the main research question in the thesis. Here I carried out a qualitative evaluation where the degree of implementation was measured against an elaborated scale of seven levels with values given in percentages. After I had carried out specific dimension analyses attached to each of the seven criteria, they were measured up against each other to this way be able to range which dimensions that were implemented in the largest or lowest degree.

The main finding was that, generally speaking, the CPA is only implemented half-way through. This is not surprising granted the complexities and intensity of the conflicts in Sudan. However, it is not part of the present to press precise explanations as to why so much is left to fully implement the treaty. Important other findings where that the Abyei-dimension was the least implemented (2) and that the political issue-dimension was the most implemented (3.6).

4.3. Post-script: Current situation in Sudan – and future scenarios

It is too early to say whether the 2005 CPA has been successful or not. Today, Sudan cannot in 2012 be said to be a peaceful country. However this conflicting time can be a transitional period. There can exist several conditions for why the CPA has not been 100 % implemented. However, the focus of this study has been to tell what the parties have managed to implement and where there are problems.

Since the end of the interim period on 9 July 2011, there have occurred several incidents between the North and the South Sudan. The South's secession from the North happened peaceful but

Sudan saw increasing popular unrest and widening armed opposition in the months that followed. In Khartoum [...] government authorities pursued familiar repressive tactics including harassing, arresting, detaining, and torturing perceived opponents of the government; censoring media; and banning political parties (Human Rights Watch 2012^c).

The parties remained deadlocked on the disputed oil rich Abyei region and the humanitarian crisis in Darfur continued. In May 2011 it was reported that North Sudan had taken control over the Abyei area. Government forces “burned and looted homes and other property, causing more than 100,000 civilians to flee” (Human Rights Watch 2012^c). South Sudan saw

this as an act of war and the UN sent troops to Khartoum. In June the same year, the parties agreed to demilitarise the area and deploy peacekeeping forces. Fighting also broke out between the parties in Southern Kordofan because of security arrangements and a state election. North Sudan bombed indiscriminately Nuba Mountains and in September the fighting spread to Blue Nile State as well. Aid organisations were denied access to help the population (Human Rights Watch 2012^c). In January 2012, South Sudan cut off the oil production because of the large fees the North required to transit the oil. However, this also hurt the South because of the government's major dependency in oil transactions (New York Times 2012). In April the same year, fighting broke out between the parties along the North/South border. The North claimed that the South had seized control over the large oil field, Heglig, one of the last ones in the North's possession. South Sudan claimed to act in self-defence after an attack on its territory. In addition, both parties accuse the other of supporting rebels on their soil to create disorder in the internal conflict in Sudan. Today, there still remains a long way until there exist peace in Sudan.

Utilising Organski's (1958) power transition theory, Arbetman-Rabinowitz and Johnson (2008) examine different scenarios that potentially can develop in Sudan after the signing of the 2005 CPA. They come up with four different scenarios and find that "under most scenarios, the conditions for renewed conflict between Northern and Southern Sudan are present, and the prospects for peace are low" (Arbetman-Rabinowitz & Johnson 2008: 383). The power transition theory posits that

the international system is arranged hierarchically [where] [c]ountries with relatively low capabilities, regardless of satisfaction level, are unable to challenge dominant countries in the hierarchy or change the overall structure of the hierarchy (Arbetman-Rabinowitz & Johnson 2008: 383).

The four scenarios they stake out are: (i) that Northern Sudan retains all resources and the relations between the two parties will remain contested but the North will increasingly dominate and the likelihood of conflict decreases; (ii) status quo with partial implementation of the CPA that fails to meet the necessary conditions for conflict between the North and the South; (iii) implementation of the CPA which does create the necessary conditions for renewed conflict between Northern and Southern Sudan with parity occurring in the short term; and finally (iv) that South Sudan realises all the oil resources it possesses also creates the necessary conditions for conflict which will likely result in renewed conflict (Arbetman-Rabinowitz & Johnson 2008: 289-93). Arbetman-Rabinowitz and Johnson (2008: 383)

conclude that most of the posited scenarios suggest the possibility of renewed fighting and “the prospects for peace in the Sudan seem dim”.

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