

PEACE AND POWER SHARING IN SUDAN

Roman-Gabriel OLAR

Abstract. *The Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) brought an end to Africa's longest civil war. Although received with great enthusiasm, many were skeptical on how well its provisions would manage to thwart the resurgence to war and to lead to the independence of South Sudan. The current paper analyzes the interim period of the Comprehensive Peace Agreement and tries to answer the following question: how did the power-sharing agreement design of the CPA contribute to avoiding the resurgence of the civil war? The main argument of the paper is that power sharing agreements create interdependent relations between adversaries and the different levels of power sharing (political, economic, military and territorial) helped keep a fragile peace. The conclusion is that pragmatic power sharing agreements can bring peace under the most severe conditions.*

Keywords: *power-sharing, conflict resolution, Sudan, South Sudan, peace building.*

Introduction

The signing of the Comprehensive Peace Agreement (CPA) on the 9th of January 2005 between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) brought an end to Africa's longest civil war. Sudan's civil wars have been characterized as some of Africa's "most intractable conflicts" (Deng, 2005, p. 245). Sudan has known only a period of relative peace between 1972 and 1982 since its independence in 1956 from the Egyptian-British rule. The CPA was the result of years of international action and mediation to bring about peace in Sudan, something that for many seemed unlikely to happen (WWICS, 2008). This paper aims to answer the following research question: how did the power-sharing agreement design of the CPA prevent the resurgence of

Roman-Gabriel OLAR
MSc International Public Policy,
University College London
Email: r.olar.12@ucl.ac.uk

Conflict Studies Quarterly
Issue 8, July 2014, pp. 17-25

the Sudanese civil war? In other words, it will try to explain how a power-sharing agreement was the most appropriate method to end this peculiar civil war, and how it made Sudan work toward peace rather than “opt to fight with itself” (Deng, 2005, p. 245). The paper will analyze the 6-year interim period provided in the CPA and it will argue that the power-sharing provisions laid by the CPA helped manage the conflict, and mitigate the tensions between the warring parties during the interim period. In the first part, the paper will present the main theoretical arguments and rationale behind a power-sharing agreement, and will introduce the working hypothesis of this paper. In the second part, it will analyze the main power-sharing provisions of the CPA and their role in engaging the warring parties. The final part will present the theoretical and policy implications and will conclude the analysis.

Power Sharing in Peace Agreements

Power sharing peace agreements have become an ever increasing practice in the last 20 years. Jarstad and Sundberg (2008) showed that between 1989 and 2004, 70 out of the 83 peace agreements signed included power-sharing approaches. The usefulness of the power sharing agreements is commonly accepted by the literature. Walter (2002) argued that power-sharing is a mechanism that can display commitment problems in a situation of extreme mistrust. Furthermore, she found that parties' likelihood to sign an accord that has power-sharing provisions is increased by 38%. Jung (2012) went on the same line of argumentation and claimed that a power-sharing agreement between the incumbent and rebels can reduce the security dilemma, while solving the problem of a credible commitment to peace. Hartzell and Hoodie (2007) strongly endorsed power-sharing elements in peace agreements. They argue that power-sharing agreements work when they include all the four types of power-sharing: political, economic, territorial, and military. They consider power-sharing institutions to be crucial because they engage former adversaries in activities of co-operation which can create a sense of security or can increase the trust between the warring parties.

However, most scholars make a clear distinction between the short-term and the long term objectives of power-sharing agreements. Rotchild and Roeder (2005) argued that power-sharing can be a short term compromise between adversaries because it reflects their military capabilities and can mitigate the security dilemma. However, the shift from short-term to a long-term perspective is challenging because the expectation parties have in the initial phase make the consolidation part more difficult. Jarstad and Sundberg (2008), after empirically examining the implementation of power-sharing agreements, found that political pacts start to become more common in peace agreements and they also argue that power-sharing agreements are more likely to be implemented. Furthermore, the implementation period of military and territorial pacts was longer compared to the political ones. Wandeginste (2011) claimed that power-sharing agreements are relevant when segmental cleavages in society are reflected in the leadership

of the armed opposition and when the armed struggle is driven by grievances of one or more societal groups. Furthermore, I would argue that a power-sharing agreement is a double-edged sword in the cases of peace agreements. It is useful in the cases of stalemate when none of the parties managed to gain a strategic advantage over their adversary, and so a power-sharing agreement can join the demands of all the parties.

On the one hand, in a power sharing agreement, stability triumphs over justice; the flip-side is that it helps the incumbent government keep hold of power while the opposition receives some leverage over the government's policy options. On the other hand, when the issue at stake is the government, a power sharing agreement cannot completely fulfil the grievances of the opposition. Furthermore, the incumbent government is offered the chance to reinforce its position which could lead to a recurrence to war. However, when there is a situation in which the opposition fights over territory and the secession is a viable opportunity, a power sharing agreement can bring stability because opposition demands are easier to meet than in the former case of fight over government.

The main hypothesis of this paper stems from the power-sharing arguments of peace agreements: *the CPA has stopped the recurrence to war during the interim period due to its power-sharing nature, which engaged the two parties in close collaboration.*

The following section will test this hypothesis by examining and analyzing the provisions of the CPA.

Power-sharing in the CPA

The CPA and its power-sharing provisions need to be understood in the broader context of the violent recent history of the country. Sudan has experienced two failed attempts at peace in 1983 and 1997 (Ahmed, 2010). The dishonouring of peace agreements has been present in the minds of southern Sudanese, having stemmed from the dual nature of the Sudanese state and the imbalance inherited from colonial times (Ahmed, 2010). The prolonged period of fighting between the two sides brought about a hurting stalemate (Zartman, 2001) which made the moment ripe for a peace agreement. Brosche (2009) argued that the hurting stalemate was induced by the international pressure applied by the United States. Woodward (2011) argued that in the 1990s the government forces seemed to seek an outright victory, but then there was a brief moment when the SPLM/A could become victorious. He continues by claiming that, beside the US pressure, the mutually hurting stalemate was influenced by Chinese penetration of the oil fields in the South, which transformed Sudan into an oil exporter and increased the stakes in the conflict.

Medani (2011) identified another element that contributed to the stalemate. The internal rupture in the National Islamic Front (renamed the National Congress Party with the signing of the CPA) between the pragmatic Bashir and the ideological founder

Hassan al-Turabi contributed to the pressure applied by the United States and created the window of opportunity for brokering a peace agreement. Brosche (2009) claimed that the CPA had been in danger because the hurting stalemate of the parties had begun to vanish during the implementation phase, because the international actors had eased their pressure on Sudan. He argued that this happened because very often the international mediators focused on reaching an agreement and tended to lose their commitment after the agreement had been reached.

Political Power-sharing

The political power sharing provisions of the CPA created four administrative levels of governance: federal, southern Sudan, state, and local (Kalo, 2010). The Government of National Unity (GNU) was created, in which both the SPLM/A and NCP received legislative and executive powers throughout all the levels of governance. The NCP had a dominant position in the government in northern Sudan, South Kordofan and Blue Nile State, while the SPLM/A dominated all the 10 states in the South (Kalo, 2010). According to the Protocol on Power Sharing, the SPLM/A had 70% of the seats in the Government of South Sudan (GoSS) and the NCP had 15% while other southern parties had the remaining 15%. At national level, leader John Garang was appointed First Vice-President and SPLM/A received 28% of the seats in the National Assembly, while the NCP received 52% of the seats (Brosche, 2009).

The main purpose of this political arrangement was to make unity attractive for the people of Sudan, an aim that was stipulated in the CPA (Brosche, 2007; Medani, 2011). The objective of this provision was to make the two main parties work together and engage them into dialogue and mutually assuring activities that would stop them from going back to war. However, this possibility was blown away with the death of John Garang. His successor, Salva Kiir, did not see unity as an attractive option, which only led to increased tension between the parties.

April 2010's elections were the main test for the political power sharing in the new Sudan. For the NCP, the objective of the elections was to keep control over the country's resources and the Northern society, while for the SPLM/A the election were a test of their ability to lead the voters for the referendum on self-determination that took place in January 2011 (Thomas, 2010). Furthermore, SPLM/A faced the difficult challenge of transforming from an armed force to a political party. On top of that, SPLM/A lacked the money, structures and qualified individuals to turn into a viable political party. Roque (2010) argued that it was fundamental that these elections happened because, even if deficient, they would begin to open up the space in which democracy could flourish. Furthermore, I would argue that the elections were well timed because a long-enough period had passed since the end of the armed clashes between the two parties. The power-sharing agreement offered them the time to prepare the elections and to build the trust they needed.

Moreover, the recent history of Sudan shows that politics had been Clausewitzian. For them, war was the continuation of politics by other means, but now they were in the exact opposite position in which they had to exercise the political process after a long period of war. I dare claim that, in spite of the various tensions between NCP and SPLM/A, within SPLM/A, and claims of fraud, the fact that all parties accepted the results of the elections was a success. The UN's and EU's declaration of the elections as being relatively fair has contributed to this outcome.

Territorial and Economic Power-sharing

The territorial and economic power-sharing provisions of the CPA are highly intertwined and while the former could have determined the parties to go back to war, the importance of the latter stopped the return to war. The matter of Abyei was complicated from the very beginning when it was addressed during the negotiation for the CPA. This area was considered vital because of its oil wells (Brosche, 2009; Ottaway and El-Sadani, 2012). The CPA stipulated that a special commission would be put into place and it was given the task to decide the belonging of the Abyei region based on historical evidence. Brosche (2009) argued that the main problem with this provision was that this matter had not been addressed during the negotiations when the level of trust between the parties was higher. Nonetheless, given the delicacy of this issue, a further push for this matter could have brought down the negotiations.

The Abyei Boundaries Commission (ABC) was established in 2005 and it was composed of 10 representatives from NCP and SPLM/A. ABC would also be comprised of 5 independent international experts appointed by international mediators. The commission decided that Abyei was part of the old nine Dinka chiefdoms, including the Heglig oil fields. Khartoum was given a tremendous blow because it meant that Abeyi and GoSS would retain most of the oil revenues. The case was taken to the Permanent Court of Arbitration (PCA) from The Hague, which decided that the Heglig oil fields were a part of Sudan and were transferred back to South Kordofan state.

Furthermore, the situation is complicated by the ethnic heterogeneity that exists in the region. Abeyi is permanently inhabited by the Ngok Dinka, which is the largest ethnic group in South Sudan, but the nomadic Misseryia use the pastures in Abeyi for their cattle (Ottaway and El-Sadani, 2012). The two tribes have a long history of sharing the land, but they also have a historical rivalry which often led to wrestles over cattle and land (Ryle, 2011).

The complicated issue of the Abeyi region and the Heglig oil fields needs to be understood in the context of the economic power sharing. Sudan is highly dependent on its oil exports, a fact highlighted by the fact that in 2009, 90% of Sudan's exports consisted of oil and it accounted for 50% of the total revenues of GoNU (James, 2011). The signing of the CPA brought about an increase in the Foreign Direct Investment, which peaked

in 2006 with 3.5 billion dollars, while an increase of 10% in the GDP was also possible because of the oil boom (James, 2011).

One of the root causes of the conflict was the economic and political marginalization of the periphery by the centre (Medani, 2011; Deng, 2005). The CPA tried to solve this problem by stipulating that oil revenues would be split between GoS and GoSS, while the producing state would receive 2% of this revenue (Brosche, 2009). During the interim period, GoSS's revenue was 95% dependent on oil revenues (James, 2011). Furthermore, the key between the collaboration between the two parties was the fact that GoSS's only way to ship its oil was through the pipeline going North to the terminal in Port Sudan (Ottaway and El-Sadani, 2012). Given the importance of oil revenues for both parties and their dependence on it, the two parties were forced to collaborate and engage in making sure that the oil flow would remain constant and both of them would get the much needed revenue. Consequently, I believe that the economic power-sharing between the two made peace a more attractive option during the interim period.

Military Power-sharing

The military power-sharing provisions in the CPA clearly stipulate that there should be only two armed factions in Sudan: the SAF and SPLA, while all the other smaller factions should be incorporated in either of the two. As it was expected, the disarmament, demobilization, and reintegration of former militia members was an uphill challenge in a environment of low trust between the parties, where none of the warring parties was willing to give up their weapons (Wolff, 2012; Arnold, 2007).

The reason for the refusal of the demobilization and disarmament process was two-fold: first, it was the lack of trust between the militias and the security dilemma continued as there were few insurances and incentives to trust each other. Secondly, weapons were helping tribes protect themselves against other tribes given that communal violence was a common feature of Sudanese society. Wulf (2004) argued that Security Sector Reform in post-conflict situations is a subset of wider political and economic reform, hence it has to address the underlying causes of violence, and an unreformed security sector can be an instrument through which warring parties can recur back to war. In trying to engage and integrate the South Sudan Defence Force (SSDF), which is an amalgamation of armed militias in the South, the GoSS and Paulino Matip of SSDF signed the Juba Declaration, according to which most of the SSDF forces joined SPLA, and Matip became SPLA's deputy commander in chief (Arnold, 2007).

With the signing of the Juba Declaration, the SPLM/A gave a tremendous blow to the strategic calculations of the GoS by restricting their access to SSDF. By integrating GoS' former proxy militia, they have managed to reduce the risk of spoilers. Furthermore, there was another factor that contributed to the enhancement of the security environment in the interim period. Offering amnesty to former combatants meant that, once

again, stability was preferred over justice. The decision to offer amnesty stemmed from the fact that the CPA was the result of a military stalemate. Trying to bring about justice could have prolonged indefinitely the political negotiations and could have created more spoilers than it was trying to avoid (Zambakari, 2012).

Implications and Conclusion

The present analysis offers one theoretical and one policy implication. The theoretical implication is that power-sharing agreements can work in post conflict situations because they favour stability over trying to bring justice or make things right. Power-sharing agreements are not necessarily moral or the best choice when trying to bring justice and reconciliation, but they seem to be effective in stopping the recurrence to war. However, a cross-national empirical analysis should be done in order to see to the extent to which the recurrence to war has been influenced by power sharing agreements.

The policy implication of this analysis comes to reinforce the idea that economic factors play an important role in civil wars (Collier and Hoeffler, 2004; Collier, 2009). Economic provisions in power-sharing agreements should play a pivotal part in the aftermath of the conflict and international actors involved in the negotiations should keep a constant presence in the post-conflict situation. They should use both their knowledge and financial capacity both to pressure and to incentivize parties to keep their part of the deal. Economic leverages are the least costly way through which international actors could make sure that their efforts in mediating the conflict were not in vain.

The current paper tried to analyze to what extent the fragile and tense peace during the interim period until the 9th January 2011 referendum lasted. The power-sharing provisions of the CPA apparently managed to create a working relationship between the North and the South. The road to peace in Sudan is nowhere near completion; suspicion and tensions remain high, given the complicated and multilayered nature of Sudan's conflict. However, power-sharing did its part during the interim period, even though it was not easy or straightforward. Delays in the implementation of the provisions and accusations on both parts show that peace is an uphill challenge in the war-torn Sudanese society.

References

1. Ahmed, R.H. (2010). The Implementation of Power Sharing at the National Level- The Case of the National Assembly, in E. Grawehart (ed.). *After the Comprehensive Peace Agreement in Sudan*, New York: James Currey.
2. Brosche, J. (2007). CPA – new Sudan, Old Sudan or two Sudan? – A review of the implementation of the comprehensive peace agreement. *Journal of African policy studies*, 13 (1), 1–25. Brosche, J. (2009). Sharing power – enabling peace? Evaluating Sudan's Comprehensive Peace Agreement 2005. Uppsala University, Uppsala and the Mediation

- Support Unit, Department of Political Affairs, United Nations, New York, and with the support of the Government of Canada.
3. Collier, P. and Hoeffler, A. (2004). Greed and Grievance in Civil War. *Oxford Economic Papers*, 56, 563-595.
 4. Collier, P. (2009). Post-conflict Recovery: How Should Strategies be Distinctive?. *Journal of African Economies*, 18, 99-131.
 5. Deng, L.B. (2005). The Sudan comprehensive peace agreement: will it be sustained?. *Civil Wars*, 7 (3), 244-257.
 6. Hartzell, C.A., and Hoddie, M. (2007). *Crafting Peace Power-Sharing Institutions and the Negotiated Settlement of Civil Wars*. University Park, Pennsylvania: Pennsylvania State University Press.
 7. James, L.M. (2011). The Oil Boom & its Limitations in Sudan, in D. Large and L.A. Patey (eds), *Sudan Looks East: China, India & Politics of Asian Alternatives*, New York: James Currey.
 8. Jarstad, A.K., and Sundberg, R. (2008). Peace by Pact, in A. Swain, R. Amer and J. Öjendal (eds.), *Globalization and Challenges to Building Peace*, London: Anthem Press.
 9. Jung, J.K. (2012). Power-Sharing and Democracy Promotion in Post-Civil War Peace-Building. *Democratization*, 19(3), 486-506.
 10. Kalo, G.K.K. (2010). The Comprehensive Peace Agreement and the questions of identity, territory and political destiny of the indigenous Nuba of the Sudan. *International Journal of African Renaissance Studies*, 5(1), 48-64.
 11. Matthew B.A. (2007). The South Sudan Defence Force: patriots, collaborators or spoilers?, *The Journal of Modern African Studies*, 45, 489-516.
 12. Medani, K.M. (2011). Strife and Secession in Sudan. *Journal of Democracy*, 22(3), 135-149.
 13. Ottaway, M. and El-Sadany, M. (2012). Sudan: From Conflict to Conflict, *The Carnegie Papers*. Retrieved at the 20th of December 2012 from http://carnegieendowment.org/files/sudan_conflict.pdf.
 14. Roque, P.C. (2010). Sudan elections: inaugurating the last unified political order?. *African Security Review*, 19(2), 48-51.
 15. Rotchild, D., and Philip G.R. (2005). Power Sharing as an Impediment to Peace and Democracy, in D. Rotchild and P.G. Roeder (eds.), *Sustainable Peace: Power and Democracy after Civil War*, Itacha: Cornell University Press.
 16. Thomas, E. (2010). Sudan's 2010 Elections: Victories, Boycotts and the Future of a Peace Deal. *Review of African Political Economy*, 37(125), 373-379.
 17. Walter, B.F. (2002). *Committing to Peace: The Successful Settlement of Civil Wars*, Princeton: Princeton: University Press.
 18. Wandeginste, S. (2011). The African Union, constitutionalism and power-sharing. Working Paper. Retrieved at the 22nd of December 2012 from http://www.econbiz.de/en/search/detailedview/doc/all/The%20African%20Union,%20constitutionalism%20and%20powersharing/10009419895/?no_cache=1.

19. Wolff, S. (2012). South Sudan's Year One. *The RUSI Journal*, 157(5), 46-54.
20. Woodrow Wilson International Center of Scholars *Africa Program* (WWICS) (2008). 'Implementing Sudan's Comprehensive Peace Agreement: Prospects and Challenges'. Retrieved at the 18th of December 2012 from http://www.wilsoncenter.org/sites/default/files/Africa_SudanCPA_rpt_booklet.pdf.
21. Woodward, P. (2011). Towards Two Sudans, *Survival: Global Politics and Strategy*, 53(2), 5-10.
22. Wulf, H. (2004). Security Sector Reform in Developing and Transitional Countries, in C. McCartney, M. Fischer and O. Wils (eds), *Security sector reform: potentials and challenges for conflict transformation*, Berghof Handbook Dialogue Series 2, Berlin: Berghof Research Center for Constructive Conflict Management.
23. Zambakari, C. (2012). In Search of Durable Peace: the Comprehensive Peace Agreement and Power Sharing in Sudan. *The Journal of African Studies*, DOI:10.1080/13629387.2012.726088.
24. Zartman, W.I. (2001). The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments. *The Global Review of Ethnopolitics* 1, 1, 8-18.