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The relation between the autonomy and the state

Approaches to sustainable peace in Southern Sudan

Abstract

Contemporary discussions on peace implementations indicate that new peace agreements

are more comprehensive in promoting peace than previous peace agreements. In

contemplation of analyzing whether this idea is justifiable, this thesis utilizes the concepts

of peacebuilding and power sharing in order to make use of a comparative study. The

comparison between two peace agreements, one from 1972 and the other from 2005

focuses on the relation between the autonomy and the state in Sudan. The conceptions of

modern comprehensive peace agreements are challenged, making the differences between

the two agreements vague. Hence, this process help the thesis contribute to some

important conclusions and arguments.

Keywords: Sudan, Southern Sudan, peace agreements, Comprehensive Peace

Agreement, CPA, peacebuilding, power sharing, wealth sharing, domestic

politics, Addis Ababa Agreement, violent conflicts

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Abbreviations

AU – African Union

CPA – Comprehensive Peace Agreement

CJMC – Ceasefire Joint Military Committee

DDR – Disarmament, Demobilization and Reintegration

EU – European Union

GOS – Government of the Republic of the Sudan

GOSS – Government of Southern Sudan

IHEC - Interim High Executive Council

JC – Joint Commissioner

JIUs – Joint/Integrated Units

NLC – National Land Commission

NPC - National Petroleum Commission

OAG – Other Armed Groups

PRA – Peoples Regional Assembly

SAF – Sudan Armed Forces

SCRR – Special Commission for Relief and Resettlement

SPLM/A – Sudan People's Liberation Movement/Army

SSLC – Southern Sudan Land Commission

SSLM – South Sudan Liberation Movement

UNHCR – United Nations High Commissioner for Refugees

UNMIS – United Nations Mission in Sudan

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1 Introduction

In order to understand why peace has been an absent fact for Sudan, attention has to be given to the structure of the state. The general paradigm on Sudan's domestic policy often deals with contradictions; the north against the south, Arabism versus Africanism, Muslims against Christians, colonization or liberation. In the relation between Southern Sudan and Northern Sudan, violent conflicts have been an issue since the birth of the nation in 1956. The conflicts between north and south can be divided into two main phases each leading to the signing of peace agreements. The first civil war was put to an end by the Addis Ababa Agreement in 1972. The agreement contributed to a relatively stable situation for a decade between the two antagonists. After considering the violations of the agreement, a second civil war broke out leading to the signing of a Comprehensive Peace Agreement (CPA) in 2005. The civil wars were devastating for the victims of war and to the economy. Millions of people died or fled from their home due to the extreme circumstances of the wars.²

The CPA deals with several questions that are vital for future relations between the north and south. For instance, they need to allocate the political power in the country in order to control the natural resources. Another important achievement is the decision on a referendum to determine the future of Southern Sudan. The ambition is to let the people of Southern Sudan decide whether to belong to Sudan or be fully independent. This issue is not new but has been on the agenda since before the nation's independence.³

¹ Idris, Amir H. 2005. Conflict and politics of identity in Sudan, Palgrave Macmillan, New York, p 3, 54ff

² UNMIS. 2010. *The Background to Sudan's Comprehensive Peace* Agreement. <u>www.unmis.org</u> 2010-05-20; Utrikespolitiska Institutet. 2010. *Landguiden, Sudan: södra Sudan* <u>www.landguiden.se</u> 2010-05-11

³Russell Peter & McCall Storrs 1972 "Can secession be justified? The case of the Southern Sudan" In Wai Dunstan M.(red.), *The Southern Sudan and the problem of national integration*, London. p 94ff

Although the current peace process serves as a hope for stability in Sudan, there are several obstacles. First, the political powers of the country may be difficult to allocate; for instance, there are many demands from several actors such as the military, which makes the achievement of the peace process to be risky. Secondly, the natural resources of the country are located in disputed areas. Thirdly, the combination of poor conditions and the militarization of autonomous groups do create a hostile environment for the promotion of peace and stability. However, the two agreements are important in the process of establishing peace in Southern Sudan.

1.1 Purpose and research questions

The purpose of this thesis is to analyze and discuss which methods have been used to promote peace between Southern Sudan and the government of Sudan. This is made by analyzing and comparing the two peace agreements. The choices of these agreements are because of the significant achievements being made and the different eras of the agreement. This may improve the knowledge of how peace-promoting efforts have developed throughout time.

Scholars argue that the ideas on implementing peace agreements have expanded from being narrow to comprehensive since the beginning of the 1990s. In this context, the definition of comprehensive implies several factors, for instance: the allocation of political powers and the sharing of finances. Some scholars point out that these implementations are overly ambitious, thereby making claims that the fulfillment of such obligations is unrealistic. At the same time, the approach toward old peace agreements often tends to identify security arrangements as the dominating traditional peace measure.⁵

⁴ Idris, Amir H. 2005: 91

⁵ George, Downs and Stedman J, Stephen. 2002 "Evaluating Issues in Peace Implementation" and Bruce, D Jones 2002. "The Challenges of Strategic Coordination" in Stedman, Stephen John, Rotchild, Donald & Cousens, Elizabeth M. (red.), *Ending civil wars: the implementation of peace agreements*, Lynne Rienner, Boulder, Colo., p 47ff., 94

These ideas raise questions about the comprehension of new peace agreements. In order to analyze if these theories are true in relation to Sudan, this research makes use of a hypothesis. Hence, the hypothesis of this study argues that the new peace agreement from 2005 is more comprehensive than the old agreement from 1972. In this regard, two vital questions are raised for this thesis:

- Which peace-promoting efforts are made in the peace agreements?
- Which agreement is more comprehensive in satisfying these peacepromoting efforts?

It has been observed that there are other relevant questions that could be posed in this regard, for example, the political ideology behind the framing of the agreements. Because of the importance of identifying peace components in the agreements, the first question has been chosen. The second question aims to compare the agreements with the assistance of different peace approaches.

The long experiences of war and the incapability of promoting long lasting peace in Sudan make the country an interesting case to study. Also, the case of Sudan and the state's peace process may help in understanding the complexity of how former colonies should tackle their domestic conflicts.

1.2 Structure of the thesis

This thesis is divided into three main chapters and several subchapters. The introduction describes the aim of the thesis and the theoretical framework being used. The thesis focuses on two theories; peacebuilding and power sharing. In connection to the theories being presented, a discussion on the standpoints of different scholars is described. Furthermore, the method of choice is presented together with the necessary delimitations. Thereafter, the two main peace agreements are analyzed while in chapter four, the agreements are compared. Chapter four does not only deal with the concept of comprehension but also deals

with the issue of whom the peace agreements relate. In conclusion, the peacepromoting efforts are discussed between Southern Sudan and the governments of Sudan.

1.3 Theoretical framework: concepts of promoting peace

There are numerous theories in political science that deal with how a state should be administrated. Many of these may be implemented in the context of peace promotion in war-torn states.⁶ This thesis, concentrates on the methods of bringing peace and stability to states suffering from war.

This chapter presents the theories of peacebuilding and power sharing. Peacebuilding may be understood as a broad theory incorporating several peace-promoting efforts. Power sharing on the other hand serves as a developed theory within peacebuilding. In this chapter, critiques are aimed at the different concepts since several scholars have different point of view. The choice of theories may be seen as relevant in connection to the peace agreement making this chapter a solid theoretical framework for further analysis.

1.3.1 Peacebuilding

The approach to peace building is multifaceted. The general view is that peace building aims to create sustainable living condition for states or specific societies after violent conflicts. Peace building is used as a tool for post-war regions in order to erase previously causes of conflict. For example, war torn states should

include, instead of excluding different parties that are willing to negotiate for the reconstruction of the state. This may be done by different methods such as sharing political power or sharing wealth. These measures are described more extensively in the subchapter of power sharing. Some authors argue that the term peacebuilding goes beyond the idea of governments' responsibility to rebuild the state. An important element in the definition of peacebuilding, is the work toward reconciliation. It means that peacebuilding should incorporate citizens for the purpose of integration that is separated ethnically or by other means.⁷

In 1992, the United Nation's former secretary-general, Boutros Ghali, declared in a report, the components necessary for peacebuilding to succeed.

Peacemaking and peace-keeping operations, to be truly successful, must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people. Through agreements ending civil strife, these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation.⁸

Author authors such as Jeong or Jarstad, also mentions these components being vital of promoting peace. For instance, they mention: reconciliation between former enemies, military demobilization, democratization, refugee resettlement and economic development.⁹

⁶ Stoker Gerry & Marsh David 2002. "Introduction" in *Theory and methods in political Science*. Palgrave Macmillan. p 6f.

⁷ Miall Hugh 2005. Contemporary conflict resolution. Polity Press, Cambridge. p 215f; Jeong Ho-Won 2005. Peacebuilding in Postconflict Societies. Lynne Rienner Publishers, Colorado. p 19; Lederach, John Paul 1997. Building Peace, Sustainable Reconciliation in Divided Societies Seventh printing

⁸ Boutros-Ghali 1992. "VI. Post-conflict peace-building" in *An Agenda For Peace: Preventive diplomacy, peacemaking and peace-keeping. Global Policy Forum*. www.un.org

⁹ Jeong 2005: 39ff. 136ff; Miall 2005: 215ff; Jarstad K, Anna 2008 "Dilemmas of war-to-democracy transitions: theories and concepts" *in From War to Democracy, Dilemmas of Peacebuilding,* Cambridge University Press UK. P 17; Jeong 2005: 39ff. 136ff.; Miall 2005: 215ff.

The view on peacebuilding is diverse; it may refer to many different methods depending on the circumstances. In the case of Southern Sudan, the peace agreements have focused on top-leveled political and military negotiations. For this reason, peacebuilding is understood within the context of top-leveled politics. Top-leveled powers often refer to governments, large military units and international unions like the European Union or African Union. ¹⁰

Another method is to use a multi-strategically approach that aims to improve conditions that suffered during the violent conflict by preventing similar downfalls in terms of order and politics. Further, the peacebuilding process should focus on rebuilding institutions and making reforms for the benefit of new administrations. A democratization process has to be coherent with the need for reforms. A part of this approach relates to refugee resettlement. Refugee resettlement is essential because of the need of adequate human resources. Also, refugees have to be reintegrated otherwise the situation may be a burden for the state in charge of the rebuilding process. This is the difficult part of the strategy, for as the number of refugees rises, the lack of management becomes clearer. In some cases, the number of refugees that have reintegrated may rise to hundreds of thousands. In this process, with regards to the problematic situation, the risk is present for violent confrontations within the camps or with the authorities.

It is usually problematic to deal with refugees returning to their hometowns after the war due to the need to integrate them into the social and public life. However, there have been creative measures for integrating them such as: Quick impact projects which focus on minor projects for refugees with the financial support from the government or from the private sector. The purpose is to make rapid economic advances by empowering refugees; mainly in the agricultural or fishing sector. The critique toward these types of strategies is mainly that it is a

¹⁰ Jeong 2005: 19; Appendix in Wai, Dunstan M. (red.), 1972 *The Southern Sudan: the problem of national integration, London.* p 225ff; The Comprehensive Peace agreement (CPA). 2005; *Uppsala conflict database, Sudan, Peace agreement.* Uppsala University

[;]Miall 2005: 216 11 Jeong 2005: 19

temporary solution and that refugees from different backgrounds may not have the sufficient knowledge to manage this lifestyle in the long term.¹²

Another important factor in peacebuilding is the demobilization of armed groups. The demobilization of armed groups is of great relevance when post-war societies make efforts to prevent violence. The transition should be effective; otherwise ex-soldiers may get involved in violent activities if the transition is not adequately managed. One way to do this is to create work opportunities and to assist people with different economic demands. This is important because it may reduce the violence and threats for new armed groups. Another way of managing this transitionary process is to reintegrate former military units into new armies that serve the nation's interest. The prevention of gangs and criminal activities is essential in the process of rebuilding a society.¹³ The issue with the demobilization of armed groups is the difficulties to satisfy their demands.

Vulnerable people in post-war societies, such as demobilized soldier or refugees, often expect rapid developments to serve their interest. Therefore, disappointments may occur since authorities may not satisfy the actual demand.¹⁴ Though there are several ways of presenting peace agreements in the name of peacebuilding, peace agreement often involve disadvantages. It is the main players of peace agreements who affect the outcome of the peace process. For instance, they may maintain a hidden agenda, such as the signing of agreements for tactical or strategic power reasons. Therefore, the approach of power sharing serves as a means for parties to achieve or fail in the pursuit of their peaceful ambitions.¹⁵

¹² Ibid. 136f

¹³ Ibid. 136f, 144ff

¹⁴ Ibid. 44ff. 145f.

¹⁵ Stedman J, Stephen. 2002. "Introduction" in Stedman, Stephen John, Rotchild, Donald & Cousens, Elizabeth M. (red.), *Ending civil wars: the implementation of peace agreements*, Lynne Rienner, Boulder, Colo., p 1ff.

1.3.2 Power sharing

Power sharing, in the context of peace processes, often refers to the allocation of political authority in the different states. In Africa, the contemporary discussion on power sharing often focuses on the militaries conversion to political parties.¹⁶ In this regard, power sharing can be viewed from different perspective depending on the scholar.

In recent years, democratization has increasingly been the outcome of top-leveled negotiations. The relation between peace agreements and democratization are important in contemporary discussions on power sharing. The meaning of democratization is described by Held's concept. The concept identifies two important components of democratization; liberalization and participation.¹⁷

Democratization in post-war states may also be problematic and may damage the peace process. Ambitious peace agreements may cause difficulties in the process of realizing them. The challenges in post-war states have several obstacles such as the transition from one-party rule to democratization. During this transitionary, the risk of violent conflicts is high. For instance, the violence in Sudan increased due to democratization.¹⁸

Other approaches toward power sharing argue that the most vital part is to prevent violent conflicts, this because it entices armed forces to disarm for the benefit of gaining power.¹⁹

However, including previous peace violators into power sharing agreements may result to failure of the peace process. For example, previous violators may not follow the directions of the agreement; they may abuse the agreement to serve

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¹⁶ Jarstad K, Anna 2008. "Power sharing: former enemies in joint government" in From War to Democracy, Dilemmas of Peacebuilding, Cambridge University Press UK. p 108; Spears, Ian S. 2000 "Understanding inclusive peace agreements in Africa: the problems of sharing power", Third world quarterly (Print)., 2000 (21):1, p 105ff

¹⁷ Wallensten Peter 2008. "International responses to crises of democratization" in *From War to Democracy*. Cambridge University Press UK. p 214f; Jarstad K, Anna 2008: "Introduction" p 1; Sørensen, Georg 2008, *Democracy and democratization: processes and prospects in a changing world*, 3. ed., Westview Press, Boulder, Colo., p 16

¹⁸ Wallensteen 2008: 216f.; Jarstad K, Anna 2008: 17; Sørensen 2008: 143

¹⁹ Jarstad K, Anna 2008: 108ff.

their own interests, thereby acting as spoilers.²⁰ Additionally, this method generates several other problems; one example is the difficulty of choosing whom to include, and whom to exclude in power sharing discussion. Peace spoilers have been more frequent from the mid 90s. This reflects the ongoing problems on how to balance power sharing agreements. Stedman, an author that has discussed these types of distractions, argues that even well-balanced power sharing agreements, involves spoilers. Stedman talks two types of spoilers; inside and outside spoilers. Inside spoilers are very difficult to identify since they are within the organization or group while whereas outside spoilers are easily indentified because their activities can be spotted outside the organization or group.²¹

The delimitation of power sharing, as briefly mentioned before, is one of the biggest challenges for post-war states. This is because of the many interests and aspirations that the new state order brings relative to the outcome of power sharing process. For example, the imbalanced of political may result in destructive power sharing process.²²

Although spoilers may be seen as the negative players in peace agreements, some authors believe that spoilers are usually misunderstood. Spoilers may have participated in previous peace processes or have been excluded from entering peace processes by rival parties. Mehler, an author that presents these ideas, also mentioned that power sharing is overly estimated. He argues that in several cases of power sharing in Africa, the method has not gained stability but on the contrary, power sharing is limited to few players. It is only parties with influence that may negotiate power sharing thereby causing the agreement process to be exclusive.²³

Stedman, John Stephen 1997 Spoiler Problems in Peace Processes, The MIT Press. p 5

²⁰ Ibid. 107; Höglund, Kristine 2008 "Violence in war-to-democracy transitions" in *From War to Democracy, Dilemmas of Peacebuilding*, Cambridge University Press UK. p 96

²¹ Jarstad K, Anna 2008: 108, 115; Stedman, John Stephen 1997. *Spoiler Problems in Peace Processes*, The MIT Press .p 5ff

²² Weller Marc & Wolff Stefan 2005 "Self-governance in interim settlements" in *Autonomy, Self-governance and Conflict Resolution, Innovative approaches to institutional design in divided societies.* Routledge, US. p 169ff

²³ Mehler Andreas 2009. "Peace and Power Sharing in Africa: A not so obvious relationship". *African Affairs*. Oxford University Press. p 454f., 462

Also, there are critiques which demonstrate that power sharing is not only limited to the resolution of violence but could also be utilized increase democracy. However, there are arguments that power sharing may instead lead to insecurity and disorder.²⁴

Another argument for power sharing is that it is important for the transformation from a centralized to a decentralized system. This means that states that have been traditionally ruled by few powers from the capital city now wish to incorporate additional power brokers from diverse locations in the country. In this situation, the power brokers relates to opposition parties together with other institutions that did not have power before.

One problem with decentralization is that in some states, resources may be imbalance due to the different economic conditions that are operational within the state.²⁵ Another issue is that decentralization may incite already segregated communities to struggle for autonomy, or in other words, the right to self-determination. On the other hand, a lack of power may also incite groups to still strive for autonomy.²⁶

With the allocation of power, comes the problem of resource distribution; for instance resources relative to the distribution of wealth. States have a great responsibility to ensure the stability of their economy. For instance, the natural resources of a state, especially high-valued resources like oil, should be allocated fairly within the state otherwise conflicts may emerge. To prevent these types of conflicts, states should recognize the demand of those involved in wealth sharing. For instance, in Nigeria, the fight over oil has been a significant cause for conflict.²⁷

It has been argued that it is not only the struggle over oil that may result to conflicts but an universal resource like water is likely to be a problematic. This can be exemplified in parts of Africa and the Middle-East where the scarcity of

²⁶ Spears, Ian S. 2000. "Understanding inclusive peace agreements in Africa: the problems of sharing power", *Third world quarterly (Print)*., 2000(21):1, p 114f.; Weller 2005: 1f.

²⁴ Jarstad K, Anna 2008: 106

²⁵ Jeong 2005: 92, 102

²⁷ Ikelegbe, Augustine 2006 "The Economy of Conflict in the Oil Rich Niger Delta Region of Nigeria" in *African & Asian Studies* Vol. 5 Issue 1, p 23ff

water affects relationships among nations. This could be observed in the case of Sudan where the Nile is found in the Southern part of the country and this water system in the lacking part. For instance, in Sudan, the Nile River flows from the Southern part to the northern part.²⁸ This could be problematic in that the inhabitants of Southern Sudan may reduce the size of the Nile River through constructions of larger dams thereby reducing the quantity of water accessible to those in the North.

To sum up this chapter, it is of importance to understand that the theories being presented are prominent in the contemporary discussion on peace promotions. Peacebuilding may be seen as a broader theory, including several components. Power sharing may be seen as a subpart of peacebuilding that focus on the allocation of political power. Scholars have different approaches toward these theories making the topics disputed.

1.4 Materials & methods: a comparative study

In order to understand the differences and similarities between the two peace agreements, the thesis uses a comparative method in the case study of Sudan. The method helps in testing the different theories and thereby helps in evaluating them. In this case, by utilizing a comparative method, the research intends to conclude whether the peace agreements are similar or different. Although

²⁸ Wallensteen 2008: 216f.; Klare, Michael T. 2001 Resource wars: the new landscape of global conflict, 1st ed, Metropolitan Books, New York. p 1, 27, 148ff.; Ahmed Einas. 2006 The Implementation of the CPA Wealth Sharing Agreement, The oil issue and the Transition Process in Sudan. Carola Van der Heiden, The Hague p 1

comparative researches focus on comparison in several cases or countries, this case compares only two agreements in one state.²⁹

Additionally, the comparative method is not only a comparison between two agreements, but also a comparison of these agreements in different locations at different time periods. By comparing two documents in different eras, the study aims to understand previous peace discussions as well as contemporary peace discussions.

To identify important elements in the peace agreements, one should ask what kind of theories there are to promote peace in war-torn states? Here, the thesis uses two similar theories, peacebuilding and power sharing; this to explain which efforts has to be made in order to rebuild states. The combination of these theories helps the thesis to study how the agreements are constructed, and if there are relevant to general theories about peace.

The peace agreements shall be analyzed in relation to existing theories. The agreements shall also be compared comprehensively in order to conclude which type of agreement is more useful in promoting stability in a post-war state. Because of the difficulties to understand peace agreements without knowing the underlying reasons, the thesis explains a short historical description related to the two agreements.

The literature focuses on academic research concerning post-war states, democracy, power issues and the problems relating to peace agreements. The sources for this thesis may be divided into two sorts; the agreements and the theories. The agreements are to be analyzed by using the theories as a tool. In that way, the research will be able to generate conclusions for the hypothesis. Also, it has to be noticed that these agreements are primary material. The first agreement (1972) was difficult to find, therefore the thesis uses the appendix from Dunstan Wai's book *The Southern Sudan: the problem of national integration* as a source to utilize the agreement. The source of the second agreement (2005) is taken from the *Uppsala conflict database*.

²⁹ Hopkin, Jonathan 2002. "Comparative Methods" in *Theory and Methods in Political Science*. Palgrave Macmillan. p 249, 254

The authors of the theories are researchers that have been discussing these issues with different approaches. These sources are secondary material and it has to be noticed that they may be partial. Therefore, it is an intentional choice to present many authors with different perspectives on the matter in order to present the thesis reliable.

1.4.1 Delimitations

The thesis' main purpose is to analyze the peace agreements from 1972 and 2005 in Sudan. Hence, other peace agreements are not to be analyzed. The two main actors in this thesis are the parties of the two agreements, Southern Sudan and the government of Sudan. Other parties, both internal and external should only be mentioned if they are vital in connection to the agreements. The choice of theories is selected in connection to the agreements and serves as the theoretical framework. Any other peace-promoting efforts, which are not included in the theories of peacebuilding and power sharing, are not analyzed.

Despite the importance of both agreements, more attention should be brought to the CPA, this because of its relevance for the future of Sudan. Discussion on religion should only be mentioned in connection to the theories of implementing human rights. The definition of the geographical area of Southern Sudan is defined as the Southern Provinces of the Sudan according to the boundaries from 1956.³⁰ A historical presentation is not presented in a broader sense, the focus on period is linked with the peace agreements, foremost the CPA. Also, the aim of the thesis is not to analyze what have been done after the agreements but merely what decisions being implemented in the agreements.

Furthermore, anything that is not of great importance in connection to the peace agreements between the main parties are not enlightened in this thesis.

³⁰ Appendix in Wai (red.), 1972: 225

2 First approach to peace: the Addis Ababa Agreement

General Nimeiry, a representative of the former leading power of Sudan, stated in 1969, that the situation of Southern Sudan must be improved. Southern Sudan experienced rather harsh treatments under colonial rule and the first years after the independence in 1956.³¹ The statement by Nimeiry was three years preliminary to the signing of the agreement. It may be seen as an important first step toward a mutual understanding between South Sudan Liberation Movement (SSLM), which was the main resistant movement in the south and the central government. Furthermore, the statement declared that Southern Sudan should be based on a regional autonomy program. The aim was to: (1) improve the legal system; (2) develop different sectors of the south, such as the cultural and social sector; (3) establish a minister to be assigned the south; and (4) educate people.³²

The Addis Ababa Agreement comprises three important chapters. The first chapter aims to realize the ambition of making southern Sudan a regional self government by implementing a solid law. The second chapter deals with the security issues in general and the cease fire in particular. The third chapter focuses on the need to arrange an interim administration; in other words, to create a temporary government in the south that can manage affairs such as finance and education.³³

It has to be cited, that the agreement was seen as a success in the aftermath because of the decreasing violence and other realizations of the agreement. Also,

³¹ Alier, Abel 1972 "The Southern Sudan question*" in Wai (red.), *The Southern Sudan: the problem of national integration*. London p. 14f.

³² Appendix in Wai, (red.), 1972. The southern Sudan: the problem of national integration, London. p 219f.

³³ Ibid. 225, 233. 237

the four aims that were presented may be seen as steps toward power sharing. The appointment of a minister for the purpose of the south exemplifies the intention of allocating political power and to decentralize the rule.³⁴

Regional Self Government 2.1

The first chapter in the Addis Ababa Agreement, proclaimed the necessity of the decentralization of the state. This means, that political power, usually being concentrated to the nation's capital, Khartoum, should be allocated to Southern Sudan and its regional capital, Juba. By implementing a law, called the law for Regional self government, Southern Sudan was to receive a concrete effort from the central government. The agreement also defined the meaning of selfgovernment in this context by establishing the geographical size of the south. The definition of self-government also proclaimed that most of the political activities in Southern Sudan should be operated through Southern Sudan. The selfgovernment would be represented by the People's Regional Assembly (PRA) which was elected by the people of Southern Sudan. However, the definition was not clear due to some disputed areas. In these areas, election would be held to decide the future status.³⁵

These measures are important in the effort of allocation power. Firstly, the agreement defined the meaning of autonomy, which is self-governance. Another achievement in the struggle for democratization was the willingness of using election as a tool for decision, especially in disputed areas. Even though the plan for democratization was not clear, the ambition was needed.

One of the main aims for PRA was to develop the economy of the south. The PRA should strive to search and utilize natural resources of the region but

35 Appendix in Wai (red.), 1972: 225, 230

³⁴ Kasfir Nelson 1977 "Southern Sudanese Politics since The Addis Ababa Agreement" in Oxford Journal: African Affairs. p. 143 www.afrar.oxfordjournals.org; Jeong 2005: 92, 102

"without prejudice to the right of the Central Government in the event of the discovery of natural gas and minerals". 36

In connection with the strategy of wealth sharing and the allocation of natural resources, the PRA did not have enough political power. The Central Government did not recognize the need for wealth sharing and thus ignoring the possible threats that may occur from not sharing resources.³⁷

A more positive effort in promoting peace was the PRA's improved position in constructing the legal system. The legal system should be based on so called custom laws; meaning it is tradition-bound jurisdiction. Although there were some restrictions of the traditional law, it was an important recognition of diversity of the country and aspiration to build peace. In connection to this, human rights were also implemented. Even though there are ideas on the implementation of human rights being a phenomenon of the last two decades, this old agreement already had presented human rights.³⁸

2.2 Security and administrative arrangements

The second and third chapter in the Addis Ababa Agreement focuses on military and administrative issues. First of all, there was a cease fire between the two forces. This would discontinue all warfare and the use of violence. To promote credibility around the cease fire agreement, the parties agreed on creating a Joint-Commission (JC) that contained all of Sudan's neighboring countries, the Red Cross and the United Nations High Commissioner for Refugees (UNCHR). This was to secure such issues as conflict prevention and refugee resettlements. For instance, the UNCHR have for several decades, stretching from the 1970s to 2010, dealt with issues of refugees in Southern Sudan as many people left their

³⁶ Ibid. 227

³⁷ Klare 2001: 1, 27, 148ff

³⁸ Nystuen Gro. 2005: 2. Achieving peace or protecting human rights?: conflicts between norms regarding ethnic discrimination in the Dayton peace agreement, Martinus Nijhoff, Leiden; Appendix in Wai (red.), 1972: 230

homes. The JC should be present, not only in the regions' capital, Juba but throughout the entirety of Southern Sudan. Additionally, the JC should have local offices in all major cities in the south.³⁹

This is perhaps the most important peace-promoting measures in the agreement. In connection with peacebuilding, the establishment of JC had great responsibility in monitoring the cease fire agreement. Furthermore, the involvement of external parties such as neighboring countries and the deployment of the commission in various regions improved peacebuilding. The effort to incorporate the two parties' military units was also a necessary step. The ambition was to secure and reduce violent activity in the region, similar to the demobilization and disarmament approach of peacebuilding. ⁴⁰

Another important task for Southern Sudan was to resettle the large amount of refugees who had fled the war. One measure was the establishment of a Special Commission that was responsible for civil services. The Special Commission or more precisely, the Special Commission for Relief and Resettlement (SCRR) had four specific goals. First, second and third goal may summarize in the repatriating and the resettlement of refugees outside and inside of Sudan. The fourth goal was to take care of those with disabilities along with orphans of the war.⁴¹ This was a concrete way of dealing with refugees and their reintegration to the society, thereby improving the situation for war victims in accordance with the strategy of peacebuilding.⁴²

The administrative arrangements of the agreement focused on the establishment of an Interim High Executive Council (IHEC). The IHEC was a council that served to benefit the people in Southern Sudan educationally, financially and agriculturally. Although the intention of establishing the IHEC was positive, the structure of the institution was not developed and lacked in authority due to the state's involvement.⁴³

³⁹ Appendix in Wai (red.), 1972: 230, 235; UNHCR Sudan. <u>www.unhcr.org</u> 2010-05-15

⁴⁰Appendix in Wai (red.), 1972: 240; Boutros-Ghali 1992; Jeong 2005: 39ff. 136ff; Miall 2005: 215ff

⁴¹ Appendix in Wai (red.), 1972: 239ff.

⁴²Jeong 2005: 19.

⁴³ Appendix in Wai (red.), 1972: 239

Conclusively, the Addis Ababa Agreement had indeed several important components of peacebuilding and power sharing. One component was the implementation of a regional self-government, which aided the allocation of political power. Another component was the establishment of the JC and the SCRR which dealt with demobilization and refugees. There were also some components that lacked in satisfying peace promotion. The solutions of disputed areas were not clearly mentioned in the agreement and the strategy toward natural resources was also not comprehensive. However, the agreement had several measures that are of importance to building peace.

3 Second approach to peace: the Comprehensive Peace Agreement

The CPA is based on several peace protocols stretching from 2002 to the signing of the CPA in 2005. It emerged in the wake of several years of peace negotiations trying to put an end to the second civil war.⁴⁴ The agreement's core actors are the Government of the Republic of the Sudan (GOS) and Sudan People's Liberation Movement/Army (SPLM/A) (hereinafter referred to as the Parties). SPLM/A may be seen as the main representative of Southern Sudan and the successor of the old resistance movement SSLM.

The major parts of the agreement are the chapters of power sharing and wealth sharing. The CPA presents resolutions to the current local conflicts, more specifically, the Abyei Conflict and the conflict of Southern Kordofan and Blue Nile. The agreements also include security arrangements, followed up by decisions on permanent ceasefire.⁴⁵

3.1 Power and wealth sharing

In the chapter of power and wealth sharing, several acknowledgements are made. For instance, the Southern Sudan should be viewed as an autonomous region with self-governance. Further, the autonomy will determine their future status by voting for secession or integration. In order to maintain the efforts of power and

Young, John 2005: 99ff. "Sudan: A Flawed Peace Process Leading to a Flawed Peace" in *Review of African Political Economy*. ROAPE publications Ltd; Ahmed Einas. 2009: 134. "The Comprehensive Peace Agreement and the Dynamics of Post-conflict Political Partnership in Sudan" in *Africa Spectrum*, 44, 3, 133-147. GIGA

⁴⁵ The Comprehensive Peace agreement (CPA). 2005: (xi, lll)

wealth sharing, the constitution of Sudan should support these efforts. Power sharing focuses on decentralization; this enables political parties to operate in Southern Sudan and have elections held. In order to realize the ambition of democratization, the Parties must agree on a consensus. The result of the consensus helps Sudan to allocate proportional power to the political parties of the south. The CPA also presents different terms of how the parliament should be represented, the terms and composition of the judiciary system and how elections figures should be examined.⁴⁶

The most important steps of power sharing, is clearly democratization, which permits political parties to operate in Southern Sudan. Also, the decision on the future status of the region is a major step to include more citizens and improve their future. The implementations on the structure of the parliament and judiciary system are also two concrete measures.⁴⁷

Another aspect of the power sharing agreement is that human rights are to be given a more prominent position. Instead of non-Muslims being targets of the Sharia law; the legal system should be based on local traditional law. In some cases, these legal systems would contradict. Therefore, the CPA has four steps for dealing with this subject. Two of them concentrate on the importance of respecting the inhabitants, the state and the autonomy. The other two stresses the relevance of what type of laws should be used. The norms of Sudan and Southern Sudan should be the principal rule. In some cases, the principle of subsidiarity should be considered. This means that decentralized authorities should rule over specific issues that the state and the autonomy cannot agree on.

These measures are interesting to analyze. The implementation of traditional law serves as a part of power sharing but is also diffuse. The key fact is the principle of subsidiarity, which grants the local authority to rule these types of issue, a vital step to further decentralization. However, the conflict between local jurisdiction and national law still remains.⁴⁸

⁴⁶ Ibid 11ff.

⁴⁷ Wallensten 2008: 214f

⁴⁸ CPA 2005: 23ff, 35ff, 44; Jeong 2005: 92, 102

Wealth sharing is another issue that draws attention to the peace process. During the last decades, oil has been of significant value for both of the Parties. The combination of oil demands and the disputed areas where the oil often can be found causes the natural resources of Sudan to be a very important issue to be handled

In order to deal with questions of natural resources, a National Land Commission (NLC) was established. The commission's aim was to evaluate the claim of land and to decide the legal consequences. The NLC should represent a diversity of members and not limit itself to those involved in politics. In the case of Southern Sudan; the counterpart to NLC was the Southern Sudan Land Commission (SSLC). The NLC and the SSLC should cooperate to prevent any additional causes of conflict, therefore, the aim of establishing the National Petroleum Commission (NPC) was to monitor. Also, the role of NPC was to control all oil contracts in Sudan. CPA presented how the oil revenues should be divided. For instance, approximately two percent is to be given to the actual region where the oil was extracted. Approximately half of the oil revenues of Southern Sudan should be distributed to the Government of Southern Sudan (GOSS).

Other wealth sharing measures included a banking system that is divided into two systems. In the south, a conventional system was to be implemented and in the north, an Islamic banking system was to be utilized. Also, the discussion on a new currency was to be examined in Southern Sudan.⁴⁹

In connection with the importance of wealth sharing, the CPA presents several interesting arrangements. Firstly, the establishment of commissions in general and the NPC in particular was a positive strategy. Second and most important, the concretization of allocating oil revenues, demonstrates the determination from the parties. As Marc Weller point out, it is remarkable of how detailed the wealth sharing protocol is, especially the specific figures, the intention to make sure that the natural resources are shared accurately.⁵⁰

⁴⁹ CPA 2005: 59ff.

⁵⁰ CPA 2005: 59ff; Klare 2001: 1, 27; Weller 2005: 175f.

Resolutions of local conflicts and security 3.2 arrangements

The two major resolutions of local conflicts are; the Abyei conflict and the conflict of Southern Kordofan and Blue Nile. The region is disputed because of the geographical location. They are situated between northern and the southern Sudan, where the inhabitants are diverse. In the case of Abyei, the region would grant special administrative status and after an interim period, the citizen of Abyei would decide whether to remain as a special administrative area, or belong to Southern Sudan. In the case of Southern Kordofan and Blue Nile states, similar difficulties are identified as in Abyei. The Parties agreed on permanent cease fire and the Parties also agreed on establishing Disarmament, Demobilization and Reintegration (DDR) to prevent further violent activities. The goals of the DDR are to reduce the number of military equipment between the Parties and unite different military units.⁵¹

An important step in stabilizing the state is to integrate the Parties' military forces into a Join/Integrated Units (JIUs). The JIUs aim is to prevent conflict from emerging by incorporating the two main Parties' military forces. The JIUs should, for instance, control the oil field. They would monitor the Sudan Armed Forces (SAF) and SPLA by presenting their military structures and ambitions. This is to reduce suspicion of misinformation from any party.⁵²

The security arrangements are essential. In order to build peace, measures like the DDR or the JIUs are relevant. The Parties' agreement on presenting their military structure may be seen as an indication of reliability. Other Armed Groups (OAG) may also be integrated in the making of the security arrangements more comprehensive. Furthermore, mining is prohibited and the locations of current

⁵¹ CPA 2005: 65ff, 77ff, 93ff ⁵² Ibid. 106, 112ff.

mining fields are to be in informed by the Parties. This may also be seen as an effort towards reducing violent action and to maintain stability.⁵³

Conclusively, the CPA had numerous measures to promote peace. Most important is the power sharing efforts including democratization and decentralization. The strategy toward sharing wealth presents a concrete resolution though the issue of oil still remains difficult. The security arrangements present two positive measures; the DDR and the JIU. As Boutros Ghali defined peacebuilding, a decrease of weapons and the importance of cooperation play a significant role of building peace.

The resolutions of the local conflicts are still unclear, although there are decisions on self-determination, the local conflicts may cause more damage by letting the diverse and unstable region determine their future status. The CPA also lacks concrete corrective measures toward the large scale of refugees. However, the CPA presents many interesting aspects in relation to the attempts of promoting peace.54

 ⁵³ CPA 2005: 101ff.; Jeong 2005: 39ff. 136ff; Miall 2005: 215ff
 ⁵⁴ Boutros-Ghali 1992; Wallensteen 2008: 216f.; CPA 2005: 101ff.

4 Comparison of the agreements' comprehensiveness

The comparison between the Addis Ababa Agreement and the CPA has several dimensions that must be presented. By using the peace-promoting concepts, the comparison is divided into three criteria that serve as the framework for analyzing the comprehension of the two peace agreements. Subsequently, the concept of comprehension is criticized in order to understand to whom peace is aimed at in the agreements.

A first criterion is the *components of peacebuilding*. Peacebuilding, as mentioned in the introduction chapter, contain many issues such as reconciliation, refugee resettlement or improving the capacity of institutions. The Addis Ababa Agreement does not in any comprehensive way include the establishing of reconciliation. Some legal issues are concerned, for example chapter three, article one in interim administrative arrangements state:

No action or other legal proceedings whatsoever, civil, or criminal, shall be instituted against any person in any Court of Law for, or on account of, any act or matter done inside or outside the Sudan as from the 18th day of August, 1955, if such act or matter done in connection with mutiny, rebellion or sedition in the Southern Region.⁵⁵

This means that people responsible for these acts are not to be prosecuted and if imprisoned, are to be released.⁵⁶ The choice may be seen as a method to ignore these violations in order to prevent confrontation between conflict actors. The CPA, on the other hand, does not have clear reconciliation efforts. Minor intention of reconciliation can be observed in the resolution of local conflicts. The CPA

⁵⁵ Appendix in Wai (red.), 1972: 240.

urges the Parties to reconcile and to establish a committee for these issues, though the lack of substantial efforts is evident.⁵⁷

Refugee settlement plans are also mentioned in both agreements. In the Addis Ababa Agreement, The SCRR is the established commission to help refugees repatriate with additional help from UNHCR. The refugee settlement is extensive in the agreement and is specified with a prioritized list. The CPA does not present any particular subject on the refugee matter even if the security arrangements in the CPA mention the cooperation with international organizations like the UNMIS. The UNMIS have a program for refugees that are linked with the monitoring of the CPA.⁵⁸

In regards to the improvements of institutions, the first agreement declares the IHEC as a core council dealing with a number of important issues. There are some efforts being made in developing strong institutions like the IHEC and the SCRR. The challenge in the agreement is that a lot of the institutions being established are in the power of the national government and their influence remains elevated. The CPA has also recognized the importance of strengthening various institutions though CPA concentration in these matters in power and wealth sharing.

A second criterion is the *allocation of natural resources and political power*. The two agreements have different approaches in these questions though they are different in the expansion. In terms of wealth sharing, the agreement from 1972 focuses on the economic development of Southern Sudan. The PRA is responsible for the exploration of natural resources and claim the right over the discoveries being made. Significant parts of the PRA's work have to follow the principles of national plans that are based on the ruling party. Nonetheless, these national plans often disregard the demands for a well-presented economic policy in the Southern region. The CPA is more concrete in terms of allocating the resources. First, the parties agree on the establishing of special commissions for monitoring the

⁵⁶ Ibid.

⁵⁷ CPA. 2005: 68, 78

⁵⁸ Appendix in Wai (red.), 1972: 241f.; CPA 2005: 96ff.

⁵⁹ Appendix in Wai (red.), 1972: 239.

⁶⁰ Ibid. 227

allocation of resources like the NLC or NPC. Second, the allocation of oil revenues is presented in percentage to demonstrate the clear definition of wealth sharing. Third, the establishing of dual banking systems that recognizes the different needs of the people. There is one Islamic system and one conventional system. Fourth, the decision on a new currency is presented.⁶¹

The decision on power sharing also indicates differences between the two agreements. While the agreement from 1972 presents an interesting form of power sharing, in connection to PRA, the CPA presents extensive resolutions to the urgency for allocating power. Though the 1972 agreement mentioned the necessity for the south to prosper, it lacks in the willingness of letting PRA gain a more powerful role in the domestic politics.⁶²

The discourse of human rights in peace agreements often focus on the rise of human rights becoming an important element as of these last decades. 63 Although human rights have been given more consideration, the implementation of it in peace agreements is not new. In the first agreement, human rights as well as individual and social rights are presented. The most vital decision is that religious freedom must be respected. The establishment of traditional law in Southern Sudan puts to an end the exclusiveness of Islamic law. The CPA adopts the same strategy as the previous agreement concerning human rights and customary law and some vital reforms are made concerning power sharing. Initially, political parties should be allowed. Secondly, is the resolution on a referendum in Southern Sudan concerning the future status. Third, the resolution to strengthen the institutions in the south and fourth is the resolution concerning the allocation of members of Parliament. All these power sharing resolutions serve as the framework for increasing democracy in Southern Sudan. Although most of the power sharing is vital for the peace process between the parties, there are some factors that may be criticized. One such factor is that human rights failed to

⁶¹ CPA. 2005:49ff, 59f.

⁶² Appendix in Wai (red.), 1972: 225

⁶³ Putnam L. Tonya. 2002: 241ff. "Human Rights and Sustainable Peace" in. Stedman, Stephen John, Rotchild, Donald & Cousens, Elizabeth M. (red.) *Ending Civil Wars. The implementation of peace agreements* Lynne Rienner, Boulder, Colo

maintain after the first agreement and a similar strategy is presented in the CPA which may present similar problem. The maintenance of human rights demands the conservative legal system of Sudan to change along with reforming the legal system in Sudan. This is especially true in family matters which may cause new conflicts to erupt.⁶⁴

A third criterion is the security arrangements being made. Security arrangements ought to be a major factor in peace processes. The security arrangements are distinct in comprehension. The 1972 peace agreement focuses mainly on the cease-fire pact and the establishing of a Joint Commissioner (JM). The role of JM is to secure the cease-fire and managing the large-scale streams of refugees. The JM cooperates with neighboring states and international organizations. The location will be deployed all over Southern Sudan. In the security arrangements, the CPA presents a more inclusive strategy. The military issues being raised are permanent cease-fire with international monitoring. The Parties also concluded on a future national army containing the Parties with proportional participation. The establishing of DDR is another effort being made to reduce the presence of hostile units. In order to analyze the attempts being made concerning JIUs, two institutions are established with prominent influence from both Parties. The main aim of CJMC and the CPC is to evaluate and rule over the JIUs. The CJMC ensures that there is a monitoring committee dealing with the JIUs responsibility. In most cases of establishing institutions in the CPA, there is a monitoring committee that examines the tasks presented. These were important measures being made and they revealed the disparity of previous security discussion in the peace process.⁶⁵

Appendix in Wai (red.), 1972: 226ff.; CPA. 2005: 13ff.
 Appendix in Wai (red.), 1972: 235; CPA 2005:. 87ff. 97ff.

4.1 Peace for whom?

In order to deal with peace agreements, important questions have to be raised. For instance, to whom is peace addressed and which components of peace agreements are clear? The two agreements presented in this thesis differ in comprehension. Therefore, the concept of comprehension ought to be criticized. The CPA's claim over comprehension is based on the resolution of power sharing and wealth sharing. In the chapter of peace promotion in this thesis, some scholars like Mehler, argue that these types of methods often focus on particular groups. In the case of the CPA, this pattern can be analyzed.⁶⁶

First, the agreements main Parties is the very two which will gain benefits of the contract. It is obvious that all the resolutions, whether it is security arrangements or sharing of the wealth, peace is for the Parties. Second, and most important, the assumption of the Parties as the leading role in the nation is understood. For instance, the JIUs mostly consist of national forces and the SPLA. JIUs influence on the national security is obvious as they hold responsibility for the state's oil fields and other strategically positions.

The main problem is that peace for OAG and their representation among the people becomes absent. Although the CPA encourages other parties to participate to some extent, outcasts must accept the often narrow terms of the Parties. Due to the power of the CPA, parties who are not included have to follow the guidelines if peace is desired.⁶⁷ Consequently, the agreement is narrow in some decisions, giving two parties the power of shaping the future of Sudan.

Conclusively, although the agreements lacks in comprehension, the settlements in Sudan have been rather progressive. The three criterions of this chapter point out important measures. The differences in peacebuilding security arrangements are not very clear. The CPA is more comprehensive in connection

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Mehler Andreas 2009:454f., 462 "Peace and Power Sharing in Africa: A not so obvious relationship". *African Affairs*. Oxford University Press s108/432, p. 453-473 ⁶⁷ CPA:88ff.

to demobilization and the cooperation between fighting forces while the Addis Ababa agreement presents positive measure for refugees. Power sharing is presented in booth settlements but is more powerful in the CPA. The major differences between the agreements are the wealth sharing arrangements. While the first agreement does not present any clear strategy of allocating natural resources, the CPA has a detailed plan. This means that the CPA is more comprehensive than the Addis Ababa agreement in terms of satisfying peacebuilding. However, it has to be acknowledged that the differences between the two agreements are not clear and no agreement may serve as a strategy for comprehensive peace.

5 Conclusion

The comparison between the thesis' two main agreements provides following conclusions; to promote peace in war-torn states, several approaches may be utilized. Peacebuilding is a broad approach that includes different methods of promoting peace such as; demobilization, disarmament, refugee resettlement and implementing human rights. The approach of power sharing may be seen as a part of peacebuilding, it focuses on the allocation of political power, democratization and wealth sharing. These approaches help identify peace-promoting efforts in the agreements.

The conclusion of the hypothesis argues that the differences between the two peace agreements are not clear. Instead, the first agreement presents many solutions in connection to peacebuilding and power sharing. Surprisingly, it even had ambition of implementing human rights, an issue being raised as a phenomenon of the 1990s. However, the differences between the agreement is mainly, that the CPA presents more detailed strategies in promoting peace, especially in terms of wealth sharing. Also, the decision on elections in Southern Sudan, concerning future secession or national unity must be recognized as a strong indicator to promote self-determination.

The concept of comprehensive is also discussed, this because of the CPA indentifying the peace settlements as inclusive. In relation to the peace-promoting efforts being presented, it is clear that the two peace agreements lack in comprehension. Weller also argues that some parts of the CPA are not detailed. For instance, the complicated relation between the autonomy and the central government are somewhat not distinguished in connection to future political relations.⁶⁸

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⁶⁸ Weller 2005: 176f.

It has to acknowledged, that the first peace agreement was regarded as an important accomplishment at that time. Surely, achievements such as self-governance, human rights improvements and security arrangements must be recognized as positive steps toward peace. Unfortunately, the high anticipations in connection to the first agreement were not fully satisfied, resulting in a new civil war. Hence, it serves as a reminder of the difficulties of realizing peace agreements and the acknowledgement of peace agreements not being comprehensive.

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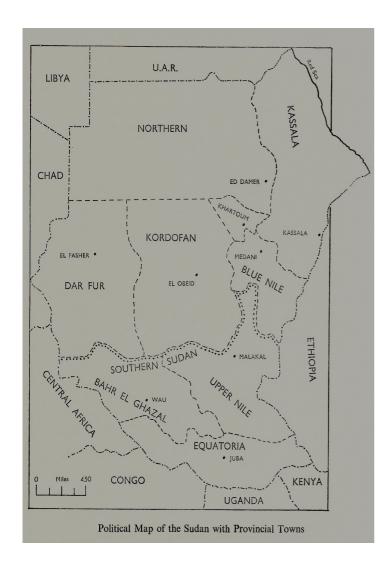
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7 Appendix – Political maps of Sudan





First map: Wai, Dunstan M. (red.), 1972. The Southern Sudan: the problem of national integration, London

Second map: Kingdom Assignment Sudan

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