

TO GUARANTEE THE PEACE: AN ACTION STRATEGY FOR A POST-CONFLICT SUDAN

A Report for the Secretary of State's Africa Policy Advisory Panel
JANUARY 2004



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A Report For the Secretary of State's Africa Policy Advisory Panel
Walter Kansteiner, Former Assistant Secretary of State for African Affairs, *Chair*
J. Stephen Morrison, Director, CSIS's Africa Program, *Executive Secretary*

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The project directors and report authors are entirely responsible for the content and judgments in this report.

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PREFACE

In early 2003, Congress authorized the establishment of the Africa Policy Advisory Panel (APAP) to “take a fresh look at U.S. policy in the region, focus more attention to the importance of U.S.-African affairs, and make recommendations to the Secretary [of State] for specific action.” Walter Kansteiner, now former Assistant Secretary of State for African Affairs, chairs the panel. J. Stephen Morrison, director of the Center for Strategic and International Studies’ (CSIS) Africa Program, is its executive secretary.

APAP commissioned the CSIS Post-Conflict Reconstruction Project to examine the critical challenges – for U.S. policymakers, other major powers, and international organizations – should a peace settlement be concluded in Sudan. The Norwegian Government generously agreed to provide supplementary support to CSIS’s Sudan work. This report will be transmitted to the Secretary of State and then disseminated to the public.

Since mid-2002, the prospects for ending Sudan’s war through a peace settlement have risen significantly, propelled forward by the July 2002 Machakos Protocol and the September 2003 security agreement between Sudan’s warring parties. This progress has made more urgent the need to analyze the most acute threats to the effective consolidation of an accord that, most close observers agree, will be imperfect, incomplete, and replete with ambiguities and contradictions.

This CSIS study seeks to define the immediate implementation priorities for the major bilateral donors and international agencies that will be called upon to assist in the complex, and almost certainly tenuous, reconstruction of postwar Sudan.

After extensive background research and interviews in Washington, a CSIS four-person team traveled to Sudan and neighboring Kenya for three weeks in Fall 2003. The team conducted site visits and interviews in and around Khartoum and to locations in the three main areas of southern Sudan – Bahr al Ghazal, Upper Nile, and Equatoria. In the south, it traveled to the Government of Sudan (GOS)-held garrison towns of Malakal (Upper Nile State), Bentiu (Unity State) and Kadugli (in the Nuba Mountains, Southern Kordofan). It also visited the Sudan People’s Liberation Movement/Army (SPLM/A)-held towns of Rumbek (Lakes State) and Yei (Bahr Al Jebel State). The team also conducted interviews in Nairobi and Lokichoggio, Kenya.

The team met with hundreds of individuals – both Sudanese and independent experts on Sudan. In Sudan and Kenya, the team’s contacts ranged from high-level GOS and SPLM/A officials to opposition political party members in the north, business persons, human rights groups, advocates for women and children, indigenous peace building organizations, other civil society groups, local chiefs, primary school teachers, university professors, religious groups, merchants, internally displaced persons, and other “ordinary” Sudanese. The team met with diplomats as well as United Nations and nongovernmental organization (NGO) representatives in Sudan and Kenya. It visited with representatives of the Joint Military Commission, currently monitoring the Nuba Mountains ceasefire, and the Civilian Protection Monitoring Team (CPMT), which is monitoring human rights abuses against civilians, primarily in the south.

EXECUTIVE SUMMARY

Ongoing peace negotiations offer the best opportunity in decades to end Sudan's civil war – the longest-running such conflict in Africa. A negotiated settlement between the Government of Sudan and the Sudan People's Liberation Movement/Army would be an historic achievement.

Stabilizing Sudan and moving ahead with postwar reconstruction will be a daunting task. The accord's core bargain will invite tension and confusion, simultaneously building national institutions to preserve the unity of Sudan while creating an autonomous southern entity. Sudan's needs are immense, and the reconstruction period will be complicated by tremendous challenges. These include pervasive mistrust and uncertainty that will inhibit north-south collaboration on reconstruction efforts; north-south asymmetries in terms of institutional capacities and skilled workers; the presence of many potential spoilers, multiple “hotspots” or unstable areas requiring civilian or military responses; large-scale population movements; massive debt; issues related to poor governance practices and misuse of resources; and possibly meddling neighbors.

- An accord will also raise the question of what posture the United States and other external guarantors will take in the postwar period, to ensure a true end to hostilities, build confidence among long-warring parties, and produce tangible benefits for the Sudanese people. The United States has worked in close partnership with Britain, Norway, Kenya, and the United Nations to end Sudan's war. This unique multilateral model must be expanded and sustained throughout the reconstruction phase in order to guarantee Sudan's peace.
- Ending the north-south war in Sudan is just the beginning of a six-year experiment leading toward a referendum on self-determination in southern Sudan. It will be a long and tense period during which myriad events could tempt the parties to renege on their commitments. In addition, conflicts elsewhere in Sudan, including the intense conflict ongoing in Darfur, potentially could bring down the entire peace effort if war there spreads or gains support among spoilers on either side.
- This report does not cover the full range of reconstruction needs in Sudan, which are vast. It focuses on four priorities that must be addressed by the U.S. government and the international community in order to protect against reversion to war or failed state status in Sudan.

First, the international community must work with the Sudanese to provide sufficient security to protect against the resumption of hostilities and allow reconstruction efforts to move forward.

Second, the United States, other major powers, and the United Nations must demonstrate resolve by expediting new diplomatic, economic, and security initiatives to reinforce the peace.

Third, donors must begin to press for the liberalization of autocratic governing structures in both southern and northern Sudan.

Fourth, reconstruction programs should promote the opening and integration of Sudanese societies, building connections between northerners and southerners and among various groups in the north and south.

- The report recommends that even before a peace agreement is signed, the international community should be preparing to take the following steps, in furtherance of this four-part vision.
 1. Under the UN's chapter VII authority, deploy an international quick response force and peacekeeping/monitoring force
 2. Ensure the success of the joint/integrated units of Sudan's post-peace armed forces
 3. Ensure appropriate, coordinated, high-level political authority over international security functions
 4. Sustain robust diplomatic engagement
 5. Offer substantial economic assistance
 6. Support peacekeeping operations during the life of the interim period
 7. Establish benchmarks to measure both the unity and southern regional governments' progress toward improved governance
 8. Build capacity throughout Sudan and open up its political processes
 9. Develop transparent oversight mechanisms over oil wealth and other national and regional revenue streams
 10. Use a "connection lens" when identifying priority reconstruction tasks, including through encouraging expanded people-to-people dialogues
 11. Prepare for a constitutional convention

This report takes no position on whether Sudan should remain united or divide into two separate states. Regardless of that outcome, the goal of a more peaceful and open Sudan in which the spirit of the Machakos Protocol and the elements of the peace agreement are respected remains the same. The United States, the United Nations, and other major donors must take the steps outlined in this report in order for that goal to be achieved.

The stakes in Sudan are enormous, from combating terrorism, persistent conflict, and failing states in Africa to introducing democracy and openness in the Middle East and improving U.S. goodwill in the Arab and Muslim worlds. Succeeding will require the United States and its partners to begin preparing now to commit the time, resources, and attention necessary to guarantee the peace in Sudan.

I. INTRODUCTION

Ongoing peace negotiations offer the best opportunity in decades to end Sudan's civil war – the longest running such conflict in Africa. If a negotiated settlement is reached in early 2004, it will be an historic achievement, signaling that the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) have finally mustered the will to find a negotiated exit from war.

But the accord will raise the question of what posture the United States and other external guarantors will take in the postwar period. Will they take the steps necessary to ensure a true end to armed hostilities, build confidence among long-warring parties, and produce tangible benefits for the Sudanese people?

Sudan's predominantly Arab, Muslim north and its Christian and animist African south have been locked in war for all but 11 years since the country gained independence in 1956, fueled by struggles over resources, power sharing, religious freedom, and basic human and social rights. Since the war resumed in 1983, some two million Sudanese have lost their lives; about five million more are displaced in their own country or are refugees in neighboring states. Those in war-affected areas in Sudan live in abysmal conditions. Relief efforts, while massive, provide a bare minimum of the basic needs for the beleaguered southern population.

Stabilizing Sudan and moving ahead with postwar reconstruction will be daunting. Hatred, mistrust, and uncertainty run deep among the Sudanese, and yet major issues may be deferred or left ambiguous as the parties move through the negotiated endgame. There are vast asymmetries between the north and the south – as well as between Khartoum and the rest of the country – in terms of human and institutional capacities. The south has little administrative and intellectual capacity – because of decades of war and lack of education – to begin an effective form of southern self-rule, as envisioned in the draft peace accord. It will inherit virtually no institutions or infrastructure from which to begin delivering services.

Potential spoilers to a successful peace include numerous armed militias, hardliners on both sides, and potentially meddlesome neighbors. Within both northern and southern Sudan, there are multiple hotspots involving garrison towns, cantonment areas, and movement home by internally displaced persons that will require military or police responses, and will have dramatic humanitarian and political import. Compounding the challenges is the parties' history of poor governance, manipulation of donor assistance for political gain, and mismanagement of resources. On a per capita basis, Sudan is among the world's poorest, least developed, and highly indebted countries.

In addition, the peace agreement does not speak to the full complexity of ongoing conflict in Sudan. In the northern periphery regions – most notably Darfur, today – Muslims are waging war on Muslims. And in the south, ethnic groups – such as the Dinka and Nuer – have battled over issues of land and water rights and political and economic power. In this extraordinarily diverse country of 37 million people, it is difficult to speak of a common regional identity, let alone a common national one.

Whether the draft peace agreement embodies the successful formula for a long-term peace is uncertain. Internally, much rests on the political will and capacities of the two signatories to interpret and implement the agreement in good faith, and the broad engagement of the Sudanese people. Externally, success depends on sustained, high-level outside engagement.

The United States has made an exceptional diplomatic effort to end Sudan's war in close and unique partnership with Britain, Norway, and Kenya. That effort has involved sustained engagement by the President and Secretary of State, as well as other top officials at the U.S. State Department, the U.S. Agency for International Development (USAID), and a U.S. presidential envoy. Senior British and Norwegian officials have been equally active, and UN Secretary-General Kofi Annan has also played a key role. This unique multilateral model should be expanded and sustained in the reconstruction phase. Not only does it best serve Sudan's interests – it could also signal a renewed U.S. commitment to multilateralism.

An accord will affirm the value of high-level U.S. engagement, in concert with African, European, and UN partners, to end a chronic war. It will validate the U.S. strategy of employing robust threats and inducements, especially in the aftermath of September 11, and the positive impact that highly mobilized American constituencies can have in sustaining U.S. engagement in Africa. Moreover, it could facilitate the lifting of U.S. bilateral sanctions.

But ending the war is just the beginning. The agreement is only the opening gambit in a six-year high stakes game that will culminate in a referendum on self-determination for southern Sudan. Although this timeframe allows considerable time for political and economic reforms, it will be a tense period during which myriad events could tempt the parties to renege on their commitments. The possibility that this six-year experiment will end in a chaotic, failed state scenario or the creation of two autocratic, one-party states cannot be ruled out.

The primary goal for the post-peace period in Sudan should be the creation of a more peaceful and open society in which the spirit of the Machakos Protocol and the elements of the peace process are fulfilled.¹ The reconstruction needs of Sudan are vast, and this report does not address all of them. Instead, it focuses on the immediate priorities that must be addressed by the U.S. government and the international community in order to achieve this goal.

- First, the international community must work with the Sudanese to provide sufficient security to protect against the resumption of hostilities and allow reconstruction efforts to move forward. This can only be achieved through a sufficiently mandated, funded, and equipped UN peace operation, including an international quick reaction force. External parties cannot assume that key security vulnerabilities will be resolved off-line by the parties themselves.

¹ That protocol, and early draft language for the peace agreement, strive toward a democratic system of governance and “political and economic justice which respects the fundamental human and political rights of all Sudanese people.” *Machakos Protocol*, July 20, 2002, <http://www.usip.org/library/pa/sudan/sudan_machakos_07202002.html>.

- Second, it will be critical for the United States, other major powers, and UN leadership to demonstrate resolve by expediting new diplomatic, economic, and security initiatives to reinforce the peace.
- Third, donors must begin to press for the liberalization of autocratic governing structures in both southern and northern Sudan.
- Fourth, it will be important that the donor community leverage reconstruction programs to promote the opening and integration of Sudanese societies, building connections between both northerners and southerners and among various groups in the north and south.

The Sudanese people have suffered profoundly and are tacitly united by a weariness of war. The international community cannot return to “business as usual” once a peace accord is signed. But thus far, it is unclear that the United States and other donors are planning to commit the level of human and financial resources, diplomatic engagement, and peacekeeping support needed to ensure that security is maintained and peace is won.

Given the enormous ongoing efforts in Afghanistan and Iraq, it is worth considering why the United States should also commit to winning the peace in Sudan. First, long and serious interest in the fate of the southern Sudanese on the part of varied U.S. constituencies has resulted in an enormous outlay of U.S. humanitarian assistance to Sudan – almost \$2 billion since 1983. Committing to a stable and peaceful postwar Sudan would be a reflection and logical progression of the U.S. investment to date. Second, Sudan is a core country in the U.S. effort to combat failed states, persistent conflict, and terrorism throughout the Horn of Africa/Red Sea region. If the United States fails to take the necessary steps to ensure against Sudan falling into the annals of failed state status, regional instability will continue to threaten U.S. interests in this key region of Africa. Because Sudan has oil wealth, there is perhaps even greater possibility that its experiment with peace and democratic change will fail. This makes it even more important that U.S. policy address questions of oil transparency wisely and rigorously.

Third, Sudan is a critical proving ground for President Bush's expressed commitment to introduce democracy and openness in the Middle East and among Muslim societies. An end to Sudan's civil war presents an opportunity for the United States to work with Arab partners and other friends and allies toward promoting the president's vision. Finally, sustained commitment to a post-conflict Sudan would reverberate far past Khartoum in highlighting U.S. goodwill and commitment, particularly essential given U.S. difficulties with public diplomacy in the Arab and Muslim world.

II. THE PEACE PROCESS

A. STATUS OF THE PEACE PROCESS

Sudan has seen numerous rounds of failed peace talks since the formation of the SPLM/A and the resumption of war in 1983. Both the government and the southern rebel movement have long believed that the war could be won on the battlefield. But in recent years, complex strategic calculations by both parties (linked to their respective political survival), military stalemate, and increasing political pressure in the form of UN and U.S. sanctions and diplomatic estrangement on the world stage have led both sides to take peace more seriously. Each side has signaled its intention to sign an agreement in early 2004.

On July 20, 2002, the GOS and the SPLM/A signed the Machakos Protocol, designed to lead to a comprehensive peace agreement.² This protocol, the ensuing and continuing talks, and a security agreement signed in September 2003³ reflect a new commitment to peace, which, if realized, will be a major shift from recent history.

The breakthrough at Machakos centers on two crucial components. First, at the end of a six-year “interim period” following a comprehensive agreement, the GOS and SPLM/A will jointly organize an internationally-monitored referendum in southern Sudan that will allow southern Sudanese to confirm Sudan’s unity or vote for secession. Second, in states outside southern Sudan, Sharia –Islamic law – will be the source of law for national legislation. Southern states shall have as their source of legislation popular consensus and local customs. The Machakos Protocol also commits both parties to work together during the interim period to “make unity attractive” to the people of southern Sudan. (See text box this page.)

Key Elements of the Machakos Protocol

The GOS and the SPLM/A agreed, *inter alia*, on the following:

- Peace implementation will be conducted in ways that make the unity of Sudan attractive.
- The southern Sudanese have the right to govern affairs in their region and to participate equitably in the national government.
- The southern Sudanese have the right to self-determination, including through a referendum to determine their future status.
- A democratic system of governance will be established.
- There will be a national constitution that guarantees freedom of religion and an inclusive constitutional review process during the interim period.
- The sources of law for national legislation in states outside southern Sudan will be Sharia and the “consensus of the people.”

Peace implementation will include the following elements:

- A six-month “pre-interim” period.
- A six-year “interim period” during which mechanisms and institutions provided for in the agreement will be operationalized.
- An independent assessment and evaluation commission to monitor peace implementation, to include Sudanese and outside representatives.
- An internationally-monitored referendum in the south to confirm the unity of Sudan or vote for secession, at the end of the six-year period.

² *Machakos Protocol*, July 20, 2002, <http://www.usip.org/library/pa/sudan/sudan_machakos_07202002.html>.

³ *Agreement on Security Arrangements During the Interim Period*, Naivasha, Kenya, September 25, 2003, <http://www.usip.org/library/pa/sudan/sudan_security_09252003.html>.

Since the initialing of the Protocol, there have been near-continuous rounds of talks seeking resolution on a broad array of issues, the most critical of which are:

- A mutually agreeable formula for sharing the nation’s natural resource wealth;
- A mutually agreeable formula for sharing political power between the GOS and the SPLM, and to a lesser extent with other opposition groups;
- The status of the GOS and SPLM armed forces (i.e., two standing armies and their relations to a national integrated force);
- Whether and how Sharia law will apply in Khartoum given Machakos’ agreement on respect for the country’s religious diversity; and
- The status of the so-called “marginalized areas” – the Nuba Mountains, Southern Blue Nile, and Abyei. These areas have significant ethnic southern populations but lie north of the 1956 north-south line. Each in its own way seeks to preserve special treatment within the context of a peaceful Sudan.⁴

While partial progress has been made on many of these issues, only the security arrangements have been finalized – based on intensive negotiations between GOS First Vice President Ali Uthman Mohammed Taha and SPLM/A Chairman John Garang in September 2003. The security agreement for the interim period will allow the SPLM/A to retain a large enough military force to defend itself if the ceasefire lapses, in case the GOS abrogates the peace agreement, or to uphold a cessation vote. The GOS and SPLM/A have agreed to a mutual drawdown of their forces, redeployment on their respective sides of the 1956 north-south boundary, and the creation of an integrated force composed of troops from both sides. (See text box on page 11.)

The able leadership of Kenyan mediator Lt. Gen. Lazaro K. Sumbeiywo, working under the auspices of the Intergovernmental Authority on Development (IGAD) regional body, has been key to the progress achieved to date. A group of donors known as the IGAD Partners Forum has proven critical. In particular, the so-called “troika” countries of the United States, the United Kingdom and Norway have emerged as intimate collaborators in the process. Through promises of a “peace dividend” if an agreement is signed and threats of severe penalties if it is not, the troika is placing substantial pressure on both sides to make a deal.⁵

⁴ These three areas have seen some of the most intensive fighting during the conflict, and their people hold key positions in the SPLM/A leadership, not to mention the rank-and-file. Their future is being negotiated as a separate issue, with broad autonomous arrangement likely for Southern Blue Nile and Nuba, and an administrative redrawing of boundaries a possibility for Abyei.

⁵ The United States’ Sudan Peace Act is one example of threatened penalties. It requires the President to determine that the GOS and SPLM are negotiating in good faith and that negotiations should continue. If the President determines instead that the GOS has not engaged in good faith negotiations, then he is required to impose certain sanctions, including working to oppose international financial institution loans, credits, or guarantees to the GOS; the consideration of downgrading or suspending diplomatic relations between the United States and the GOS; taking steps to deny the GOS access to oil revenues; and seeking a UN Security Council resolution to impose an arms embargo on the GOS. *Sudan Peace Act*, §6, H.R. 5531 (October 2002).

B. CRITICAL CHALLENGES

Despite these positive elements, the current peace process and draft final accord pose several critical challenges that will have to be addressed in the post-peace phase if backsliding and paralysis are to be avoided, and if the agreement is to be transformed into a durable peace.

- *Significant issues will remain unresolved or open to widely divergent interpretation.* Major issues may be deferred or left ambiguous, in the belief that they can be resolved in the interim period. But as the experience of the past 50 years shows, Sudan's peace will not flow simply by virtue of a peace agreement being signed. The emerging agreements call, *inter alia*, for managing militia groups, revision of the constitution, applying transparency to revenue streams, and assurance of improved human rights, but they do not include detailed provisions to achieve these aims. It is expected that some progress will be made in defining implementation plans during the six-month pre-interim period. U.S. and other donor engagement will be essential to the success of such plans.
- *The accord's core bargain will invite tension and confusion.* The agreement rests on a core bargain that provides for two simultaneous institutional solutions to Sudan's chronic war. At the same time, the accord envisions building incentives and new national institutions to preserve the unity of Sudan. A *de facto* autonomous entity would govern in the south and a national unity government in the north, and the final status of the south would be left undetermined until the referendum. The SPLM/A is likely to invest heavily in the southern regional government, and both the north and south could focus exclusively on building truly separate institutions in their regions, unless they are encouraged to collaborate. Many postwar reconstruction decisions will be heavily scrutinized for evidence of prejudice toward unity or secession. The three military forces/two political centers construct called for in the peace process enhances the possibility that separate military forces will be used to address the inevitable tensions.
- *The peace process is exclusive.* Opposition groups to the GOS and the SPLM/A, civil society groups, and armed militias have expressed intense frustration at their lack of a role in the peace talks. IGAD and the troika have supported exclusivity on the grounds that it offers the only realistic hope of getting a signed agreement in the near term. The cooperation of these groups is crucial, however, to build popular support and legitimacy for the accord.
- *There is little public knowledge of the peace.* The general populace in both northern and southern Sudan knows very little of what transpires at the talks or of the likely shape of the peace agreement. This lack of knowledge has led to the proliferation of unreasonable expectations about the speed of economic recovery and the levels of donor engagement and economic aid.
- *The international community's ad hoc oversight of current violations could presage weak monitoring of a future agreement.* In defiance of a memorandum of understanding and cessation of hostilities agreement between the GOS and SPLM/A, both sides have

- engaged in armed violations, testing the international community's commitment. A similar pattern should be anticipated following the signing of a formal peace accord. Until now, the international community has generally lacked the capacity and will to hold the parties accountable for their transgressions. Present monitoring mechanisms have limited scope and strengths, and diplomats have been hesitant to threaten the peace talks by emphasizing violations. It is unclear whether the international community will create robust, effective mechanisms to monitor the accord and have the political will to act forcefully in the face of repeated violations.
- *There is no common understanding of several key issues in the September 2003 security agreement.* The agreement presents many new and innovative concepts that have the potential to bring the parties together and help ensure a lasting peace. But these concepts are introduced only notionally, and the agreement lacks the substantive details necessary to ensure a common understanding between the parties in terms of definition and application of concepts. Key issues requiring resolution include the future role of the Ministry of Defense (and perhaps the creation of separate ministries); the chain of command of the three-army construct; the operational concept of the new joint/integrated units; the organization and role of the Joint Defense Board (JDB); and the scope and purpose of the common military doctrine. (See text box on page 11 for further description of the security agreement.)

Remembering Addis Ababa

In the ongoing peace talks, the SPLM/A's bottom line includes the right to secede after the six-year interim period, the retention of an independent southern army, and clear wealth and power-sharing formulas. This reflects its intent to avoid the weaknesses of the 1972 Addis Ababa Accord. That accord, which ushered in the only period of peace Sudan has known since its independence in 1956, was gradually and unilaterally abrogated by then-President Nimeiri.

Under that agreement, the south lacked any guarantee to ensure that the north would maintain its commitments and was unable to counter the north's progressive usurping of southern political and economic power. For example, Nimeiri replaced southern troops with northern units when he wanted to ensure Khartoum's control over the (then-prospective) Bentiu oil fields. Natural resource-rich areas that were to revert to the south were re-absorbed by the north. Abyei and parts of Blue Nile were never allowed to conduct referenda to determine if they would merge with the south, as provided for in the Addis agreement. Nimeiri's imposition of Sharia law and other steps toward Islamization that rendered non-Muslims second-class citizens made the return to war in 1983 all but inevitable. See Ann Lesch, *The Sudan: Contested National Identities* (Bloomington: Indiana University Press, 1998) 45-58.

III. THE RECONSTRUCTION PROCESS

A. PLANNING FOR PEACE AND RECONSTRUCTION

In many ways, the Sudanese and their donor partners have been impressively forward-leaning in anticipation of peace. There have already been a series of donor coordination conferences. An innovative GOS-SPLM/A Joint Planning Mechanism (JPM) was established to help the two parties assess needs, identify reconstruction priorities, and draw up action plans for the pre-interim period. The United Nations and donors have undertaken substantial research in a wide range of sectors, advancing baseline information and strategic planning by sector. The long-absent World Bank has taken initial steps to re-engage, and the two largest donors – the United States and the European Union (EU) – have already approved reconstruction strategies in place.

Working with donors, the GOS and SPLM/A have identified priority areas for near-term reconstruction efforts which donors are planning to advance through “quick start” programs designed to raise public confidence in the political transition process and rapidly illustrate to the Sudanese people the benefits of peace – the so-called “peace dividend.” These priority areas, the parallel reconstruction planning efforts underway in the north and south, and ongoing donor programs and funding plans are discussed in more detail in the annex.

B. THE RECONSTRUCTION CONTEXT

Myriad challenges will complicate Sudan’s post-conflict reconstruction. Critical factors that threaten to destabilize or limit successful reconstruction include:

- *Entrenched hatred, mistrust, and uncertainty:* After forty years of war, hatred and fear define the north-south relationship. Those feelings are matched only by the mistrust resulting from Sudan’s long history of broken peace agreements. Most Sudanese in war-affected regions have never known peace in their lifetimes and have little faith in the willingness or ability of “the other” to live up to their commitments and deliver lasting peace. The GOS’s proven skill at manipulation and the SPLM/A’s paranoia that it will lose ground during peace implementation will encumber effective collaboration. This, coupled with most southerners’ present desire for secession, suggests that outsiders will have to seriously encourage steps to bridge the north-south divide.
- *North-South asymmetries:* The bulk of Sudan’s institutional capacities and skilled workers reside in the north of the country, specifically Khartoum. Southern Sudan’s population (comprising perhaps as many as 5 million people) is served by an estimated 86 doctors, 600 nurses, and 23 judges. The south has no functioning government, which makes talk of reconstruction even more daunting and threatens the south’s ability to engage as an equal partner in complex discussions regarding peace implementation and reconstruction priorities.
- *Center-periphery conflicts:* A patchwork of northern-based conflicts – ongoing fighting in Darfur in the west, areas near Kassala in the east, and continued tensions in the marginalized areas of Abyei, Southern Blue Nile, and the Nuba Mountains – threatens

Khartoum's power and Sudan's sovereign unity. Successful implementation of a GOS-SPLM/A peace accord is not likely to fully stabilize Sudan. Achieving a sustainable peace will require moving beyond the north-south paradigm and looking at the center-periphery issues related to Khartoum's stranglehold on economic and political power that are generating all of these conflicts.

- *The presence of militias:* There are an estimated 32 militias in southern Sudan – about 3 each in Eatoria and Bahr el Ghazal regions and about 26 in Upper Nile. Ranging in size from a few dozen armed men to as many as a few thousand, these groups are responsible for some of the most heinous abuses committed during the war, are the most unpredictable element of the security picture, and are arguably among the greatest threats to the peace accord. While most are ostensibly allied with either the GOS or SPLM/A, the degree to which they are actually controlled by these parties is a matter of significant debate. Any assumption that both sides will simply take the necessary steps to bring their militias in line is misplaced. Yet the process of “dealing with the militias” has been left to the two negotiating parties outside the terms of the agreement. Despite the cessation of hostilities between the parties, money and arms continue to flow to militia groups, and they remain active. The SPLA has taken steps to reconcile with some of the GOS-aligned militias, but the process is far from complete.
- *Other spoilers and the regional players:* Hardliners within the SPLM/A and the GOS continue to argue that the price of peace is too steep for their interests. In addition, a number of Christian rights activists actively oppose negotiation with the GOS and may support armed groups to carry on the fight.⁶ The Lord's Resistance Army, a Ugandan rebel group operating in remote areas of southern Sudan, has attacked civilians, its former supporters, the Sudanese army and GOS-backed militias. They are also likely to target reconstruction assistance. While Sudan's neighbors are largely supportive of the peace process, elements within Chad and Eritrea could have both the interest and the means to fuel destabilization in western and eastern regions of Sudan, respectively.
- *Multiple “hotspots” will require civilian policing and military responses:* The peace will likely be threatened in multiple locations simultaneously. Potential “hotspots” include the GOS-held garrison towns of the south as they are transferred to SPLM/A administration; oil-rich areas such as the Bentiu region; the marginalized areas of Abyei, Nuba Mountains, and Southern Blue Nile; and transit routes of Internally Displaced Persons (IDPs) in the volatile transition areas between the north and the south. In southern urban centers like Juba, Malakal, and Wau – garrison towns that have essentially been islands in a sea of SPLM/A-held territory – there are likely to be hostilities as long-separated populations co-mingle and new administrative centers of southern power are established.
- *Large-scale population movements:* Sudan is home to the largest population of IDPs in the world. Surveys indicate that two-thirds of the nearly two million IDPs in and around Khartoum desire to return home, many of them immediately after a peace settlement. In

⁶ “Fighting a Peace Plan; Some Christian Aid Groups are Supporting the Rebels,” *Newsweek International*, August 18, 2003, <<http://stacks.msnbc.com/news/950427.asp>>.

the immediate post-peace months, UNHCR anticipates the return of 110,000 refugees from neighboring countries. The prospect of providing an effective safety net for IDPs and refugees is daunting. Given the lack of services for current inhabitants of southern Sudan, returning IDPs and refugees will generate conflict over limited resources. IDPs returning from the north also will be highly vulnerable to attack as they travel through the volatile north-south transition zones.

In addition, the political jockeying around IDP movements will be intense. Large-scale, quick returns are in the SPLM/A's interest in terms of preparing for the national census and referendum. And while many in the GOS will be eager to see the northern-based IDPs depart, they also have a vested interest in ensuring that some southerners remain in the north: they provide cheap labor and attract donor resources. Both sides will see the IDPs as the potential swing voters who could influence the outcome of the referendum.

- *Lack of accountable governing structures:* Both the GOS and the SPLM/A are autocratic entities with no democratic tradition. Security forces operate with impunity in the north, as does the SPLM military in the south. Serious violations of human rights are well documented in both regions, though the north is considered the worse offender. Freedom of assembly, freedom of speech, and the formation of political parties are stifled in both areas. The authority of traditional leaders has been trampled, and civil society groups muted. At present, neither is sufficiently empowered to fully engage in issues of peace and development.
- *A history of assistance manipulation and non-transparent use of resources:* Both the GOS and the SPLM/A have a long history of diverting humanitarian assistance for their own gain. In addition, neither can currently claim transparent accounting for public resources. The interest in and ability of the GOS and SPLM/A to allocate donor resources responsibly is questionable.
- *Massive debt:* Sudan's foreign debt is an estimated \$21 billion, making it one of the most indebted countries in the world, on a per capita basis. The bulk of the principal was accrued in the 1970s and early 1980s, although interest arrears now exceed the original loan values. Sudan's challenge will be to improve the lives of its citizens through reconstruction and development efforts while simultaneously dealing with its debt and other macroeconomic imbalances. Recovery will be entirely dependent on the generosity of both donors and creditors.
- *Travel permitting procedures:* GOS and SPLM restrictions on travel by international NGO and UN personnel as well as their local Sudanese staff have been a major impediment to the relief effort. The north's system, in particular, is highly obstructive. The newly established unity and southern regional governments must grant complete, unfettered access if they expect international help with reconstruction.

IV. STRATEGIC VISION

This report does not pre-judge the result of a referendum on self-determination for southern Sudan. Regardless of that outcome, the goal of a more peaceful and open Sudan in which the spirit of Machakos and the elements of the peace agreement are respected remains the same. But if the international community and the Sudanese fail to address the four elements below, the likely results will be autocratic or failed state scenarios and continued, significant internal conflict.

- *Secure the Peace*
- *Expedite New Diplomatic, Economic, and Peacekeeping Initiatives to Reinforce the Peace*
- *Liberalize Governing Structures in Northern and Southern Sudan*
- *Leverage Reconstruction Efforts to Promote the Opening and Integration of Sudanese Societies*

Even before a peace agreement is signed, the international community should be preparing to take the following steps, in furtherance of this overall vision.

A. SECURE THE PEACE

The security agreement between the parties will not overcome the primary security challenge of the interim period: ensuring that neither the parties nor spoiler groups push Sudan back into war.

Reaching agreement on security issues related to the peace was a significant breakthrough for the parties, but major challenges remain. Perhaps the key security vulnerabilities in the immediate post-peace period will be uncertainties surrounding both sides' willingness to adhere to the agreement (especially given the numerous broken agreements in the past) and the support for and strength of militias. The security agreement also leaves unresolved other key issues, such as the number of soldiers to be

Key Elements of the September 2003 Security Agreement

- The GOS and SPLM/A will maintain separate forces, to be treated equally as Sudan's Armed Forces.
- Both sides' forces will be proportionally downsized.
- The ceasefire will be internationally monitored.
- Both sides' forces will disengage and return to their respective sides of the 1956 north-south boundary. The Sudan Armed Forces (SAF) will re-deploy all its non-integrated forces from south to north within two and one half years, and the SPLA will re-deploy all its non-integrated forces in the Nuba Mountains and Southern Blue Nile from north to south as soon as joint/ integrated units are formed and deployed.
- The parties will implement disarmament, demobilization, and reintegration programs.
- Joint/integrated units shall be formed with equal numbers from the SAF and SPLA. These units are intended to have symbolic weight, form the backbone of a single army if unity is affirmed, be involved in reconstruction efforts, and maintain a presence in the marginalized areas.
- Joint/integrated forces will deploy a total of 24,000 troops in southern Sudan, 6,000 in the Nuba Mountains, 6,000 in southern Blue Nile, and 3,000 in Khartoum.
- A Joint Defense Board (JDB) shall be established, under the presidency and composed of chiefs of both armies, to coordinate the separate forces and command the joint/integrated units.
- The parties shall determine a common military doctrine based on the joint/integrated units.
- No armed group allied to the parties is to be tolerated outside the umbrella of the three services.
- A comprehensive ceasefire agreement will be included in the final peace agreement.

retained in the separate GOS and SPLA armed forces and, hence, the number of soldiers on both sides to be demobilized; protecting IDPs as they return home; ensuring security in such hotspots as oil areas and garrison towns; designing effective reintegration strategies; and developing effective ceasefire and human rights monitoring procedures.

The security arrangement between the two negotiating parties will have to be reinforced with a robust international security operation that is mandated from the beginning to address these real threats to the peace. That mandate must include the ability to use force to counter militias and hardline military elements on either side.

Moreover, while northern “hotspots” such as Darfur and Kassala are not part of the north-south peace agreement, these volatile regions cannot continue to be ignored with the justification that the peace agreement is important enough on its own. Continuing full-scale warfare, such as that currently ongoing in Darfur, could well bring down the entire effort if it spreads or gains support among spoilers on either side. The key international players – the United Nations and the troika in particular – must work with the parties, before and after an agreement is signed, to obtain ceasefires in these areas as well. International security arrangements should be extended to these areas at that time.

The United Nations Department of Peacekeeping Operations (DPKO) and the troika governments are already engaged in discussions with the Sudanese concerning issues such as the size and mandate of a UN peacekeeping force, the number and type of international monitors, the deployment of CIVPOL and the establishment of a joint civil police service, and demobilization, disarmament, and reintegration (DDR) of former combatants. These will all be key elements of an eventual post-conflict security plan. The recommendations below address three make-or-break elements of a security plan that are not being sufficiently addressed as part of the current planning processes.

1. Under the UN's chapter VII authority, deploy an international quick response force and peacekeeping/monitoring force

The U.S. and UN planning thus far envisions deploying a peacekeeping force mandated under the UN's chapter VI authority; in other words, the peacekeeping force would not be mandated to use force except for self-defensive purposes or under extreme circumstances for the protection of Sudanese civilians.

The international community must acknowledge, however, that non-military measures will not be effective in all instances in Sudan. There will be cases where militia groups, breakaway military elements within either party, or rebel or proxy forces supported by Sudan's neighbors will have to be dealt with forcefully if peace is to be maintained. While the long-term solution to dealing with spoilers should be to form a specially trained and equipped rapid response capacity within Sudan's joint/integrated units, the immediate post-conflict needs will outweigh the capacities of Sudan's security forces.

Talk of a chapter VII mandate will be controversial to UN Security Council members, the troika countries, the parties in Sudan, and potential troop-contributing countries. But as the nearby

examples of Angola, Sierra Leone, and Congo too aptly demonstrate, relying on the initial goodwill of the parties alone will not ensure the long-term success of a chapter VI mission. In all three of those cases, the initial chapter VI mandate was acknowledged as inadequate – and in Sierra Leone and Congo, transitioned to a chapter VII mandate – only after serious threats to the peace that included massive loss of civilian life. Simply put, chapter VI missions are an outmoded concept in the Africa context.

Although the parties in Sudan appear to be acting in good faith now, the six-year interim period envisioned in Machakos is a long time to reasonably expect the accord to go unchallenged, either from hardliners on both sides or from other spoilers.

The bulk of the peacekeepers and monitors in Sudan would not need to use chapter VII authorities during the life of the peacekeeping mission, but there will be a need for a small, agile international response team that can use lethal force. This need should be frankly acknowledged and anticipated. It is preferable to train and deploy under chapter VII – and never use that authority – than to deploy under chapter VI and risk the likely eventual failure of the UN mission.

Moreover, a signed peace agreement in Sudan does not automatically disqualify the country for status as a chapter VII mission. None of the international troops are envisioned as an inter-positional force between the SAF and SPLA. In fact, it would be to both parties' advantage to agree to a small international fighting force – in addition to the international peacekeeping force – that could help protect against a reversion to war during a particularly sensitive time in the life of the peace agreement. The parties could see such a force as a form of insurance, to reinforce their legitimacy and commitment to a lasting peace. It would also meet the clear demand on the part of the Sudanese people for a serious signal from the international community that it will provide the necessary guarantees to help secure the peace.

The United States, Britain, and Norway should be pursuing discussions now, at the UN Security Council and with the Sudanese parties under the auspices of IGAD, with a view to coming to agreement on a chapter VII mandate that would include the following elements:

- *International Quick Response Force (QRF)*. An international QRF should be deployed as a special element of a large peacekeeping force. It would serve in a “reserve” capacity, and would be trained and mandated to conduct counter-insurgency operations against militia groups, breakaway military elements, and foreign-supported rebel or proxy forces operating in contravention of the security agreement. The force, as envisioned here, would not have to be large. A light infantry battalion-sized force – 500-600 soldiers – would provide sufficient reserve capacity to the larger peacekeeping force. The QRF would only need to be used in extreme circumstances that could be narrowly defined under memoranda of understanding and rules of engagement. But the credible deterrent and enforcement value of this response force would be indispensable to the security posture in the south.

Troops for the QRF could be recruited either as part of the overall UN peacekeeping mission or under a lead nation model. Under either option, the QRF troops should come

from a sole donor country, be task-organized and trained as an integrated team, and possess the requisite capabilities to perform the mission envisioned above. Arguably, only a NATO country could meet these criteria. We recognize that it will be challenging, as a political matter, to recruit a country to play the lead nation role – or provide the troops – for the QRF. The United States should begin working now with key allies on Sudan in order to identify possible willing candidates to take on this role.

To maximize its deterrent value, the QRF should be centrally located in the south and conduct regular, visible training exercises in known flashpoints and areas most likely to host belligerents. To be effective, the QRF will also need rapid, sufficient transport capability – in Sudan, helicopters – but such transportation and other combat service support could be provided by the peacekeeping force to reduce the QRF's size and footprint and maximize cost efficiencies.

The QRF would be deployed only for a limited duration, to fill the security gap until the Sudanese joint/integrated units develop sufficient counter-insurgency capacity. To that end, the QRF could also provide a training cadre to work with other international advisors and trainers (discussed below) to train Sudanese rapid response units. Once indigenous capacity is developed within Sudan to handle potential security threats, the international QRF could transition out of Sudan; it is reasonable to assume at least a one- to two-year period before such a transition of responsibility could occur.

- *International Peacekeepers/Monitors.* As noted above, the United Nations and interested donors are already planning for the deployment of a UN peacekeeping force into Sudan, although further discussion and focus is needed on the operational concepts, rules of engagement, and location of the envisioned force – the overall size, shape, and composition of which remains unclear. Any such force should include peacekeepers and unarmed ceasefire and human rights monitors, and should draw on the largely successful Joint Military Commission (JMC) model of pairing international monitors with GOS and SPLM forces.⁷ In general, the peacekeeping and monitoring force should make use of the existing infrastructure and personnel already in Sudan as part of the JMC, the Civilian Protection Monitoring Team (CPMT), and the Verification Monitoring Team (VMT).⁸

⁷ *Joint Military Commission/Joint Monitoring Mission:* A Norwegian-led Joint Military Commission/Joint Monitoring Mission was established by a donor group known as the Friends of the Nuba Mountains to monitor the January 2002 Nuba Mountains ceasefire agreement. The JMC monitors the cessation of hostilities and guarantees the free movement of civilians, goods, and humanitarian assistance. Monitoring teams, under the guidance of the JMC, conduct community patrols to improve the sense of security, investigate attacks on civilians, monitor troop locations, verify the contents of humanitarian aid shipments, improve local roads through de-mining and repair, monitor community meetings, and engage in peace building activities. The general sense of security has improved markedly in the Nuba Mountains, and some internally displaced persons (IDPs) are returning to the area. One unique feature of this mission is the “jointness” of the monitoring – international monitors are paired with GOS and SPLM monitors to patrol the region.

⁸ *Civilian Protection Monitoring Team:* This twenty-person human rights monitoring team was established to investigate reports of attacks against civilians by military and para-military forces in the aftermath of a cessation of hostilities agreement between the GOS and the SPLM. The team investigates violations, issues publicly available incident reports, and, if a serious violation occurs, makes recommendations intended to avoid similar incidents in the future. Supporters argue that by demonstrating to the parties its capacity to produce comprehensive assessments, the

Those disparate functions could form the basis of an international peacekeeping and monitoring force – helping to fill the inevitable gap before peacekeepers are deployed – and would gain efficiencies in terms of lower costs and greater experience, expertise, and familiarity with the parties, terrain, and issues.

The peacekeepers should be adequately manned and equipped to provide protection for UN personnel, ensure freedom of movement of UN activities, protect UN equipment and vital infrastructure, and protect civilians under imminent threat of physical violence.⁹ Blanket coverage of southern Sudan by peacekeepers will be impractical; given its vastness and complexity, it will require a more custom-tailored approach. Because the peacekeepers will not be an inter-positional force, they will not need to be everywhere at once but can instead focus their presence in areas where security risks will be the greatest, such as garrison towns, oil areas, and IDP transit routes. The force will need superb long-range communications equipment and sufficient helicopter transportation to deploy a 150-man infantry company to remote locations on short notice. Rather than sheer size, the force can capitalize on its strong mandate, connectivity, speed of deployment, and the QRF reserve element to ensure adequate provision of security.

The international monitoring force should be organized along the model of the largely successful JMC in the Nuba Mountains, combining international monitors with representatives from the SAF and SPLA. Not only has such a model enhanced the security of civilians and JMC personnel in the Nuba Mountains, but it also addresses the desire to involve the Sudanese as much as possible in handling security tasks in the post-peace phase.

Clear distinctions between joint monitoring and observer missions, peacekeepers, and QRF capacity and force size by region will help rationalize force structure and size and keep the overall cost of the chapter VII force more manageable.

- *Policing.* Several impending issues could overwhelm Sudan's existing security structures, and in any event would be more appropriately handled by a police force rather than the SAF or SPLA. These include revenge violence, harassment of in-transit IDP populations, and the shift of GOS, SPLA, and militia forces out of areas where they have been providing at least some modicum of security.

International civilian police (CIVPOL) will be needed to train and develop indigenous Sudanese policing capacity. But in the first few years after the peace, CIVPOL will also need to have executive policing capacity in order to actually help preserve public safety and prevent a vacuum. In addition, the United Nations and key donors should consider the use of constabulary (or gendarmerie) forces, particularly in key urban centers in the

CPMT has had a dampening effect on civilian attacks. Critics argue that its impact has been marginal, because even when attention is drawn to a serious violation, the CPMT has no capacity to impose punitive measures.

Verification Monitoring Team: This team was established to monitor the cessation of hostilities in the south but has been hampered by both GOS and SPLM obstruction and is barely operational.

⁹ Border monitoring will be another necessary function. Along less troublesome border areas, the joint/integrated units could perform this task. Satellite and other technology could also be employed.

south. Such forces would deploy more rapidly than CIVPOL, have heightened capacities, and could address certain rapid reaction needs – such as low-level militia activity – in their areas without the need to call in the QRF. In addition to Italy, Spain, and France, other countries, including Argentina, Senegal, Jordan, Lebanon, Romania, and India have such standing capacity within their security forces.

2. **Ensure the success of the joint/integrated units of Sudan's post-peace armed forces**

The joint/integrated units are the most innovative concept in the security agreement, and provide the greatest prospect to ensure lasting peace and security in Sudan. In order for those forces to succeed in their various envisioned functions – and particularly to form the backbone of a single army if unity is affirmed – the donor community must make this joint military experiment a high priority. Donors' planning should focus on the following elements:

- *Establish an international advisory and training group.* The United Nations is not at this time planning to establish an international advisory capacity as part of its peacekeeping force. But such a group should be established to provide advice and training to the joint/integrated units at every level from the national headquarters to the individual joint/integrated brigades. Advice should focus on developing the new joint military doctrine, training concepts, combat development processes, joint force structure, integration, and basing methodology.

International trainers would be used to help professionalize the joint/integrated forces and develop rapid reaction capacity within those forces. Developing that capacity quickly will be key to turning over security tasks to the Sudanese and transitioning the international QRF out of Sudan.

- *Ensure highly professional forces.* The key international players should encourage the SAF and SPLA to provide their best talent to the joint units, including by working out a rigorous selection and reward process. In addition, the joint/integrated units should be provided with new, standard uniforms and equipment to emphasize their professional status. Donors should initially prioritize individual officer training for the SPLA in order to improve skill sets needed for promotion within the joint/integrated units.
- *Condition security assistance measures.* Any consideration by the United States and others in the international community to normalize military relations and commence security assistance should be contingent upon compliance with the terms of the security agreement and other peace terms, including eliminating sponsorship of militia groups. Security assistance should be prioritized to flow to the joint/integrated units so as to contribute most effectively to their reconstruction roles or their development of a quick reaction force to handle armed militant groups operating in contravention of the security agreement.

The United States will need to address any limitations on providing security assistance to the joint/integrated units that arise from its many sanctions provisions. U.S. bilateral security assistance should focus on those units, even if that requires providing assistance

to the unity government. Although controversial, doing so will provide a longer-term guarantee of peace in Sudan than providing security assistance only to the SPLA.

3. **Ensure appropriate, coordinated, high-level political authority over international security functions**

Successful international efforts to help guarantee the peace will require strong political leadership and decision-making authority by a UN Special Representative to the Secretary-General (SRSG) and a highly experienced representative for security affairs. The work of these two key persons should be tightly coordinated, including through co-location of headquarters. Through a national coordination center and decentralized regional offices, the security representative would manage and coordinate all international security functions – the peacekeeping force and monitors, the QRF, the advisory and training group, and CIVPOL – and maintain a presence throughout southern Sudan. These should be combined in the same UN “chain of command” in order to achieve unity and consistency of effort, ensure lateral coordination of functions at every level, and achieve resource efficiencies.

The United Nations should recruit both the SRSG and his representative for security affairs now. Their early engagement will help alleviate some of the planning and coordination shortfalls that typically occur in the start-up of missions.

One primary function of the UN security representative should be to establish dialogue mechanisms to ensure that the military elements of the parties remain engaged to address critical security issues. S/he can best facilitate this dialogue by serving as the principle interlocutor and advisor to the new Joint Defense Board (JDB), which includes representation from the joint/integrated forces, the SAF, and the SPLA.

The parties have not yet defined the JDB concept. But to best serve the goals of effective civilian control of the military and regular dialogue between the parties' militaries, it should neither be an ad hoc group that meets periodically nor merely an opportunity for a few SPLM/A members to sit in the Ministry of Defense in Khartoum. Rather, the JDB should be the standing nucleus of the national joint/integrated force headquarters. The UN's security representative could use the JDB as a means to apply constant pressure on the national military leaders to deal with the thorniest unresolved security matters. Thus, joint working groups should meet regularly, with the assistance of the international advisory group, to develop strategies for addressing issues such as the development and staffing of the joint/integrated units, the creation of a common military doctrine, the elimination of sponsorship of militias, and strategies to monitor and control weapons flows and potential spoilers. The security representative must be positioned to offer and withhold effective incentives to garner the cooperation of the parties on key security issues.¹⁰

¹⁰ Such carrots might include information sharing, impartial investigative capacity, acknowledgement of compliance leading to increased assistance, and improved international recognition and legitimacy.

B. EXPEDITE NEW DIPLOMATIC, ECONOMIC, AND PEACEKEEPING INITIATIVES TO REINFORCE THE PEACE

Unless the international community makes a sustained commitment to post-conflict reconstruction in Sudan, peace will not succeed. Third party “guarantees” must have three elements: sustained and robust diplomatic engagement, substantial economic assistance, and peacekeeping engagement that will endure through the southern referendum at the end of the interim period. As described in Parts II and III of this report, a peace agreement is likely to be a coerced arrangement between two less-than-committed parties, and the challenges to be addressed in the reconstruction phase are daunting. Only an aggressive international posture that includes all three of these elements can provide the pressure and incentives needed to reinforce the prospects for peace.

4. Sustain robust diplomatic engagement

Arriving at the verge of a peace deal has required a complex dance among IGAD, the troika partners, and other key actors, including Egypt and other European nations. The United States, in particular, has played a pivotal role.

Together, the United States, Britain, and Norway are in daily contact with the negotiating parties and IGAD, offering advice and counsel, and maintaining pressure on all to reach the finish line. But there is a danger that the troika members will “declare victory” with the signing of a peace agreement and re-configure themselves to return to a business-as-usual diplomatic posture toward Sudan. (U.S. engagements elsewhere in the world and presidential elections in 2004 potentially reinforce this prospect.) This would virtually assure the failure of the peace and reconstruction process.

Key decision-makers in the troika capitals must ensure that diplomatic engagement is both sustained and reconfigured to best address the numerous and potentially explosive peace implementation issues.¹¹ This will involve continued high-level engagement in national capitals and expanded staff numbers in Sudan, where the day-to-day details of peace implementation will be worked out. In order to meet the challenge:

- Donors should urge the early selection of a Special Representative to the Secretary-General of the United Nations (SRSG) to provide a political umbrella for all diplomatic, economic, and security activities. The United States and other donors should strongly support a multilateral reconstruction model, and Security Council members should begin discussions now with a view toward a UN Security Council Resolution calling for the appointment of an

¹¹ The August 2003 “Nakuru” draft peace agreement proposed by IGAD, while not accepted by the parties, provides some insight into the scope of issues that will probably be left to the interim period. These include land rights, the census, elections, participants in the constitutional review process, civil service hiring policies, an internal borders review, the monitoring of natural resource wealth, and the creation of a mechanism to deal with amnesty, reparation, truth, and justice and reconciliation. The Nakuru draft describes the creation of many powerful commissions to address these and other issues. The persons selected to serve on those commissions and the extent of third party oversight of their work will be important elements in determining the commissions’ success or failure. See *Nakuru Draft Framework* parts I and II, <<http://www.iss.co.za/AF/profiles/Sudan/sudan1.html>>.

SRSR for Sudan. The UN Secretary-General should begin identifying potential candidates in advance to ensure that there is a team in place for the post-peace mission.

- To effectively guarantee Sudan's ambitious and complex peace agreement, external powers and organizations – as well as the Sudanese players – will have to remain linked to each other and capable of fixing threats to the settlement. The multilateral model of the U.S.-Norway-U.K. troika, the IGAD Partners Forum, and the United Nations should be sustained and converted into a standing implementation body that would allow the key actors (signatories and observers) to engage in regular, face-to-face meetings (e.g., monthly, bi-monthly, or on demand) to identify, address, and resolve the large array of issues and challenges that will arise. Such a body would provide a standing safety net underneath the peace agreement so that conflict management and dispute resolution issues are not left to ad hoc consultations or urgent UN Security Council meetings.
- The United States and other donors should substantially increase their embassy staff levels in Khartoum and open consular offices in the south (Juba or the designated southern capital) as soon as security permits.

The United States should upgrade the U.S. Chargé d’Affaires position to Ambassadorial rank and establish serious political and economic sections led by senior Foreign Service officers in its embassy; it should also place a consul general in the south. The Sudan Program Office staff in Washington, D.C. should not be downsized until an expanded embassy team is in place. Similar staff upgrades and expansion are recommended below for USAID.

European bilateral missions and the European Commission mission should take a similar approach, with the EC providing a unified European front in the south.¹²

5. Offer Substantial Economic Assistance

Although the “quick start” programs planned by the international community are an important symbol, donors must sustain their commitment over a multi-year period in order to address Sudan’s reconstruction priorities effectively. Some 50 percent of countries that emerge from civil war will fall back into conflict within a decade.¹³ A recent World Bank study suggests that donors can expect a ten-year investment plan in post-conflict countries before rapid growth can be sustained without outside assistance. Even a robust assistance program cannot produce substantial growth in the first three years.¹⁴

Significantly, the European Union has already announced a planned contribution to post-peace Sudan of some \$500 million, in addition to its ongoing humanitarian aid program. There is little

¹² The United States currently has a small Embassy in Khartoum. Headed by a Chargé d’Affaires, it includes a deputy chief of mission, one political officer, one defense attaché, and one public affairs officer; there is no economic officer. Only six EU member nations are represented in Khartoum, all with very small missions. The European Commission also has a small mission. Neither the United States nor other donors has a permanent presence in southern Sudan at present.

¹³ Paul Collier et al., *Breaking the Conflict Trap: Civil War and Development Policy* (2003) 7, <<http://econ.worldbank.org/prr/CivilWarPRR/text-26671>>.

¹⁴ Collier, *Breaking the Conflict Trap*: 167, <<http://econ.worldbank.org/prr/CivilWarPRR/text-26671>>.

to suggest, however, that other donors are serious about meeting Sudan's overall reconstruction needs.

The U.S. President's fiscal year 2004 budget request – which includes \$87 million for reconstruction assistance for Sudan – is based on a stalemate scenario, not peace.¹⁵ It does not include the “peace dividend” that the U.S. government has promised will follow a signed agreement; nor does it include resources for key reconstruction needs, including a peacekeeping operation, the reintegration of ex-combatants, large-scale reconstruction projects (such as urgently-needed infrastructure rehabilitation), or the return of significant numbers of IDPs. An informal survey of other western donors suggests that few are planning for the re-establishment of bilateral assistance programs at this time; most anticipate only modest resource flows through multilateral and NGO assistance. (See annex for more details on donor funding.)

If donors do not muster the necessary resources, the best-laid plans will be rendered meaningless. Recent funding trends for Sudan are not grounds for hope. According to the United Nations, insufficient and delayed funding has replaced lack of access as its number one constraint in relief efforts in Sudan.¹⁶ Relief requirements will remain high.

Generous grants over a multi-year period must be combined with creative approaches to Sudan's backbreaking debt, which, if left un-addressed, will virtually guarantee a failed recovery effort.

- Donors must identify larger amounts of reconstruction resources to meet Sudan's post-peace requirements. Strategies should take a medium-term view that sustains commitment at least through the life of the interim period. The troika should jointly petition other donors to expand contributions in support of Sudan's peace effort.
- The Bush administration should begin conferring with Congress on the question of supplemental funding that will be needed immediately upon the signing of a peace deal. Any additional funding for Sudan should include authorization for the United States to restructure or reduce Sudan's debt burden. Delaying this process until after an agreement is signed will result in missed opportunities to reinforce the peace.
- Donors should expand their in-country presence to address center-periphery reconstruction tasks as well as north-south issues, as discussed later in this report. This includes the placement of senior-level development officials in Khartoum as well as a Juba-based staff when security permits. For the United States, this means placing high-ranking USAID Foreign Service officers in both Khartoum and Juba, who can engage in discussions with the new unity and southern regional governments

¹⁵ This \$87 million figure includes development assistance, child survival funds, transitional assistance, and economic support funds. It does not include humanitarian assistance or food aid, which will likely continue to be the largest share of U.S. assistance to Sudan. Up to \$20 million is potentially available from the Iraq War Supplemental, but no decisions have been made regarding these funds.

¹⁶ By the end of September 2003, only 42 percent of the UN's \$263 million annual appeal for Sudan had been received. Resources were considerably short of UN appeal targets in 2001 and 2002 as well. The United Nations has requested \$465.5 million in its 2004 appeal for emergency and transition assistance.

on reconstruction issues. As the Khartoum and southern Sudan offices are established, programs operating from Nairobi, Kenya should be phased out.

- The United States will also need to execute the numerous waivers and amendments to the sanctions provisions that will prohibit assistance to the new unity government. Although the issue of removing Sudan from the list of state sponsors of terrorism will be controversial politically, the Bush Administration should begin working with Congress as soon as possible on the necessity and mechanics of doing so, assuming that Sudan's government meets the criteria for removal from the list. Similarly, the Administration should work with Congress to address the myriad other sanctions – related to human rights concerns, religious persecution, debt, and the war – that limit U.S. assistance to Sudan.

A new version of the Sudan Peace Act could provide the necessary legislative authority to lift or waive current U.S. sanctions and authorize substantial resources for both the south and the north for the life of the interim period, contingent upon both parties' progress in implementation of the agreement. It could also suggest penalties for non-compliance. Maintaining the complex web of U.S. sanctions will make it extremely difficult – if not impossible – for the United States to provide the types of assistance that will be necessary to ensure that peace survives in Sudan.

- Creditors should immediately initiate an informal dialogue about Sudan's debt and begin by settling on a realistic amount of debt that Sudan can afford to carry forward. According to international norms regarding the capacity of a country to pay off debt – which hold that the maximum ratio of debt to exports should be 150 percent – Sudan's threshold for how much debt it can carry is \$3 billion. Thus an affordable long-term total debt amount for Sudan will be significantly lower than the \$21 billion it is currently carrying, meaning that large elements of the total debt package must be written off or otherwise reduced.

Contingent upon the successful completion of the peace process, options around debt forgiveness and rescheduling should be developed now, including measures of progress during the interim period, such as government transparency of revenue and spending and the development of budgeting and auditing capacity in each of Sudan's states. The sooner these issues are addressed, the faster Sudan will become eligible for the International Monetary Fund (IMF) programs that will further reduce its debt burden, qualify it for new loans, and provide needed financing.

The role of the United States is critical to moving this issue, because of its central position at the IMF and the World Bank. The U.S. government (including the Treasury and State Departments) must be prepared to break out of standard practices and call for a bilateral creditor support group to draw up contingency plans even as the peace talks proceed. Sudan's economic future will depend on a wise resolution of its debt overhang.

6. Support peacekeeping operations during the life of the interim period

As discussed throughout this report, numerous events could trigger a return to violence over the six-year life of the interim period. Although the shape and functions of the peace operations will evolve over time, donors must support an international peacekeeping mission for the life of the interim period, up to and through the referendum determining whether Sudan will remain one country or split in two.

Donors must immediately identify the human and financial resources required to field a robust, chapter VII peacekeeping operation, including the resources and troops for the Quick Reaction Force recommended above. The United States must identify funds for this operation; it cannot be in the position of holding up the UN's force for Sudan because its share of the costs is not ready. Fulsome U.S. support of the peacekeeping operations will also require addressing sanctions and other legal constraints on providing assistance to Sudan.

C. LIBERALIZE GOVERNING STRUCTURES IN NORTHERN AND SOUTHERN SUDAN

The Machakos Protocol binds the signatories to a comprehensive solution that replaces war “not just with peace, but also with the social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people.”¹⁷ It calls for the parties to work together to establish a democratic system of governance and states that the transition process will include “an inclusive constitutional review process.” A national constitution – melding elements of the current constitution and the peace agreement – is supposed to address the critical issues of power and wealth sharing, as well as guarantee religious freedoms.

In effect, the agreement provides room for the settlement of the north-south conflict to be used as a vehicle by which to address governance problems throughout Sudan. Donors should take full advantage of this opening. The international recognition and respect to be gained by fully implementing the peace, Sudan's urgent need for debt relief and international investments to jumpstart the economy (both north and south), and the end of the war will make both sides more amenable to outside influence with regard to governance reform.

The donor relief structures that have operated from a north-south perspective for more than two decades must be replaced with a model that addresses change at the centers (Khartoum and Juba, or the designated seat of a new southern regional government) as well as the periphery (poor, rural parts of northern and southern Sudan). The model should emphasize devolution of power to all state and local governments.

Donors must offer solid inducements and impose penalties on both negotiating parties if governance reforms are not implemented. Assistance must flow directly to both the unity government in Khartoum and the southern regional government that will be established in the context of the agreement. It should be phased and conditioned to catalyze change.

¹⁷ *Machakos Protocol*, July 20, 2002, <http://www.usip.org/library/pa/sudan/sudan_machakos_07202002.html>.

The following steps are essential:

7. Establish benchmarks to measure both the unity and southern regional governments' progress toward improved governance

Donors – including the IGAD Partners Forum, the United States, the European Union, and the Arab League – should work together now to agree on a common set of benchmarks for both the unity and southern regional governments that would encourage much-needed reforms and adherence to the peace agreement's terms.¹⁸ Unless assistance is conditioned, and there is a real threat of it being withheld, the parties are unlikely to impose the necessary reforms. While the European Union and the Arab League will be the primary contributors to the unity government in the near term, it should be made clear that the prospect of future assistance from the United States and other western donors will hinge on progress toward these agreed benchmarks.¹⁹

Critical benchmarks for the unity government should include:

- The immediate lifting of the state of emergency, which severely curtails political and civil liberties.
- A reasonable, clear, and binding timetable for elections and an open constitutional process in which all major opposition parties and civil society organizations can engage.
- Clear steps toward improving freedoms overall – especially with regard to freedom of expression (including for independent media), movement (including by lifting travel restrictions), assembly, and religion.
- Adoption of mechanisms for ensuring transparent oversight of national and regional revenue streams, including allocation and use of oil revenue.
- Revision or annulment of existing restrictive laws, especially the amendments to the National Security Act – which allows, *inter alia*, for prolonged detentions without counsel or outside contact – and amendments to the Criminal Procedure Act of 1991, which enhanced law enforcement powers of investigation, arrest, interrogation, and detention without judicial review.
- Reform of the GOS internal security apparatus, a multi-headed hydra used to control the population and neutralize opposition to the regime. Internal security forces are responsible for widespread human rights abuses in the north.

Common benchmarks for the southern regional government should be similarly focused on steps that ensure progress toward the rapid establishment of basic freedoms and sound governance at the regional and local levels.

¹⁸ A number of excellent, already-proposed benchmarks could serve as a baseline for donor discussions. *See, e.g.,* the benchmarks proposed by former UN Special Rapporteur on Human Rights in Sudan, Gerhart Baum, *Question of the Violations of Human Rights and Fundamental Freedoms in Any Part of the World, Situation of Human Rights in Sudan, Report of the Special Rapporteur*, January 6, 2003, E/CN.4/2003/42, <http://www.ecosonline.org/back/pdf_reports/2003/specialrapporteur060103.pdf> and those proposed by the European Coalition on Oil in Sudan (ECOS), a coalition of over 80 European development and human rights organizations, <http://www.ecosonline.org/back/pdf_reports/2003/ECOS-EU2.pdf>.

¹⁹ The European Union has announced \$500 million to be released in the event of an agreement. The Arab League has announced a \$117 million contribution. "Arab League to Fund Projects in South Sudan," July 20, 2003, <<http://english.aljazeera.net/NR/exeres/718EB940-BF5E-45CD-8063-4BB4EF6D5DD9.htm>>.

8. **Build capacity throughout Sudan and open its political processes**

The end of the war should bring to an end parallel donor programming for the north and the south. Rather than seeking to “make unity attractive” – as Machakos calls for – continuing to think of Sudan in terms of a north-south divide will likely predetermine the referendum’s outcome, and will do little to address the deep-seated political and economic marginalization that is breeding discontent and conflict in Sudan’s impoverished peripheral regions.

Moving beyond a north-south orientation will involve two elements. First, the United States and other donors must provide direct assistance in the form of international expertise (technical assistance) and capacity building/training to both the unity government and southern regional government and to state governments to address needed governance reforms. Second, Sudan’s political processes in both the north and the south must be opened up to provide the chance for long-excluded players to participate in shaping Sudan’s future.

The United States and other donors will also need robust programs of support for civil society development in the north and the south, including support for “watchdog” groups specializing in human rights, anti-corruption, and independent news reporting, all of which will be key to producing a more open society in Sudan.

Political party training will help Sudanese engage in ways other than violence to create change. Southern Sudan as yet has no viable alternative to the SPLM/A, which itself requires political transformation. Northern Sudan’s opposition political parties have historically failed to offer a vision for a united Sudan that embraces the country’s ethnic and religious diversity. An infusion of support to identify and facilitate the growth of the next generation of political leaders in Sudan will be critical to the country’s transformation process.

Amending the north-south divide of ongoing programs will have significant implications for the United States. It will require, at a minimum, opening a USAID mission in Khartoum, and addressing the variety of sanctions that currently constrain direct U.S. assistance to the GOS, as discussed above in part IV.B.

9. **Develop transparent oversight mechanisms over oil wealth and other national and regional revenue streams**

The parties have recently reached a preliminary agreement on wealth sharing arrangements, the details of which are not yet known.²⁰ It is, however, expected that the SPLM/A will likely begin to receive hundreds of millions of dollars from oil revenues annually after the signing of an agreement. (Sudan currently produces about 250,000-300,000 barrels of oil per day, and, since 2002, GOS earnings from oil have been about \$1 billion per year.) This will be in addition to the hundreds of millions of dollars in external donor support that will flow to both the southern regional government and the national unity government.

²⁰ Andrew England, “Sudan Government, Rebels Agree on Oil Revenue,” *The Associated Press*, December 21, 2003.

Both the GOS and the SPLM/A lack the management capacity and institutional infrastructure to manage vast sums. The GOS has a history of non-transparent use and allocation of resources, including a pattern of “off budget” use of oil funds that are not openly accounted for.

Addressing these shortfalls and protecting against misuse or waste of oil and other revenues will require assistance for capacity building in the south and the development of mechanisms to ensure transparent use and allocation of resources in both the north and the south, including third party monitors.²¹ Donors intend to provide funds – at least in part – through World Bank or UN-monitored trust funds. They will also need to focus immediately on building institutions and capacity in the south that can manage and account for revenue streams.

Transparency in the oil sector will be particularly important, given the GOS's alleged past use of oil money to fund its war efforts. There is also the danger that Sudan will succumb to the so-called “resource curse,” its natural resource wealth perversely increasing the prospects of violent conflict, low economic growth, poor human development indicators, bad governance, and human rights abuses.²²

To avoid this, donors should focus on establishing transparent mechanisms for monitoring Sudan's oil sector and should consider urging Sudan to establish a natural resource fund, such as those in Alaska, Norway, Chad, and Chile. In particular, donors should insist on transparency of oil revenue streams, oil contracts and payments, and allocation of oil revenues as a condition of assistance. Further, monitoring mechanisms should include impartial, third party actors. An oil advisory board, with membership agreed upon by both parties and the donor community, could help provide the southern Sudanese with much-needed technical assistance on issues such as product pricing, managing the downstream sector, marketing oil, and strategizing with regard to the economic viability of new transportation routes (such as a pipeline to Kenya, which the SPLM/A would favor).

The Sudanese will also need sound advice and international oversight on how to spend their oil wealth, to help avoid rent-seeking behaviors, gold-plated projects, and corruption. Donors could condition assistance on international vetting of potential projects on which oil revenues might be spent.

A natural resource fund, if successful, could help stabilize fiscal policy throughout Sudan and serve as a political compact between Sudan's governing bodies and the population, forcing northern and southern entities to be transparent about oil revenues and expenditures.²³ Given the lack of capital in Sudan, any such fund would likely function as a trust fund/account for all oil wealth before it is distributed to the national budget, the southern regional government's budget, or to other parties. It could be overseen by national, regional, and state government actors, as well as international members, and could monitor income and expenses, advise on expenditure decisions, and ensure openness. Such a fund could function to force government entities to be more responsive to citizens and involve Sudan's citizens and civil society in decisions about

²¹ In this regard, the International Monetary Fund (IMF) has been monitoring the GOS's budgetary practices since 1997.

²² Svetlana Tsalik, *Caspian Oil Windfalls: Who Will Benefit?* (2003) 3-4.

²³ *Id.* at 2.

reconstruction and other national, regional, and local priorities. It could help connect Sudan's northern and southern populations around a common purpose.

Although the model used for the Chad-Cameroon oil pipeline is not directly applicable to Sudan, its use of civil society-based committees to monitor the use of the funds and to direct resources to poverty reduction strategies should be studied – and perhaps re-shaped to the Sudan context – with the goal of engaging the Sudanese people more directly in the allocation and monitoring of oil revenues.²⁴ All Sudanese must perceive that the revenues generated from oil are fully accounted for and that the wealth shared between northern and southern leaders reaches national, regional, and local priority needs.

D. LEVERAGE RECONSTRUCTION EFFORTS TO PROMOTE THE OPENING AND INTEGRATION OF SUDANESE SOCIETIES

Regardless of the ultimate outcome of the referendum – unity or separation – reconstruction efforts should be geared toward ensuring greater connections among the Sudanese, both between northerners and southerners, but also among various groups in the north and in the south. Unity should mean one country that is more open, connected, and peaceful in order to avoid a reversion to civil war. Separation should mean two countries at peace with each other and with friendly, mutually beneficial political and economic relations. Donors should focus reconstruction efforts on restoring physical and non-physical ties among the Sudanese, which would open up markets, allow freer movement of people, and encourage national dialogue around common areas of interest. Reconstruction efforts could also be used to reinforce the Machakos Protocol's promise of an open constitutional process.

Donors should take the following steps:

10. Use a “connection lens” when identifying priority reconstruction tasks, including through encouraging expanded people-to-people dialogues

Sudan's transportation and communications infrastructure is either non-existent or in abysmal condition, particularly in the south. Roads are few, and most are impassable during the rainy season;²⁵ there are few roads linking southern and northern Sudan, and few that link the towns in southern Sudan. Traveling by barge and foot are the only affordable options for most Sudanese; international relief workers rely on air transport provided by the United Nations. There is little electricity – save that provided by generators – in the south; most of the south lacks access to clean water; and there are no telephones and few newspapers. If news travels, it does so over radio (not widely available) or by word of mouth. Infrastructure reconstruction – or in many cases construction – will be an early priority focus for donors.

²⁴ For further information, see “Chad-Cameroon Petroleum Development and Pipeline Project,” <<http://www.worldbank.org/af/ccproj/>>; “World Bank Inaugurates Chad-Cameroon Oil Pipeline,” *New York Times*, October 3, 2003.

²⁵ Within an area of 2.5 million square kilometers, Sudan has only 55,000 km of roads, most of which are seasonal earth roads and sand tracks. Sudan's rail network, the largest in Africa, is in extremely poor condition.

But how reconstruction tasks are undertaken will be as important as what tasks are selected. Donor assistance will naturally and appropriately flow to war-affected areas as a priority. But donors should also use a “connection lens” in the reconstruction phase – in other words, focus on projects that build connections among different communities, groups, and government entities across regional and ethnic divides. Programs that connect southern Sudan to neighboring African countries – a high priority for the SPLM/A – should not be conducted to the exclusion of programs that connect northern and southern Sudan.

- Telecommunication and physical infrastructure projects should close physical distances and intentionally generate north-south, intra-south, or east-west collaboration to achieve a common goal. Cellular phone technology, roads, and water projects should be prioritized.
- Working with the GOS and SPLM/A, donors should design national campaigns around issues of common concern, such as malaria control, clean water, or literacy.
- Early planning and project implementation should counter the lack of consultation that has defined the peace process and bring people within and between communities together for consultations on reconstruction priorities.

In addition, donors should encourage expanded intra-south dialogue along the lines of that started by the New Sudan Council of Churches (NSCC) and a new national dialogue process that begins to bridge north and south and other regional divides. The NSCC grassroots peace processes in southern Sudan have successfully ended a number of long and violent intra-south conflicts with an emphasis on intense “people to people” dialogue. Some of the most lethal fighting in the civil war to date has actually been intra-south fighting between the Dinka and Nuer ethnic groups. There is no reason to assume that these, or other, ethnic tensions in northern and southern Sudan will simply dissolve after a peace is signed.

As one southern Sudanese aptly, and simply, said, “If there is no communication, then no peace.”²⁶ Promoting a new vision for Sudan’s future – that includes the possibility of unity – will require massively enhanced efforts to facilitate communications to – and among – the people of Sudan. Given the realities of illiteracy, current restrictions on freedom of the press, multiple languages, and the lack of electricity, to name a few, effective communications among the Sudanese will require increased people-to-people dialogues across Sudan. Indeed, extensive grassroots consultations in the north and south have revealed that most war-affected populations have more faith in the ability of the Sudanese people – local leaders, women, and youth – to create conditions for peace than they do in SPLM/A Chairman Garang and GOS President Bashir. Throughout the country, people have expressed the need for greater community dialogue and opportunities for local peace building as well as greater dialogue around the peace process.

²⁶ Paul Murphy, *Even the Meeting Trees Are Perishing*, final report of a grassroots consultation process commissioned by the IGAD Partner’s Forum, Nairobi, Kenya, August 2001 at 29, <<http://www.unsudanig.org>>.

11. Prepare for a constitutional convention

As discussed throughout this report, numerous issues threaten to undermine the goals of Machakos and the peace agreement, not least among them the lack of knowledge and involvement in the peace process among Sudan's populace. A constitutional drafting process could help to fill this gap, allowing for effective information exchange and the broader involvement of civil society and other actors that have been marginalized during the war and peace process. It could serve to address and resolve some of the many uncertainties in the peace agreements by providing a dialogue mechanism within which Sudanese could grapple with the outstanding fundamental issues that will determine whether Sudan remains one or splits in two.

Machakos envisions that an interim constitution – which will combine elements of the current constitution with the peace agreement – will be drafted immediately after the peace agreement is signed. It references “an inclusive constitutional review process” during the interim period but does not, even vaguely, define the outlines of that process, and the peace agreement probably will not develop constitutional issues further.

An inclusive constitutional drafting process could lead to a new constitution defining the outline and underpinnings of a new Sudan. The process would allow for the inclusion of all important political constituencies, such as civil society groups, traditional leaders, and ordinary Sudanese who thus far have not been given a voice in defining Sudan's future. It would draw some power away from militant groups and entrenched leaders and help strengthen nascent non-state actors and political parties. It would also provide a mechanism for addressing key issues left for the implementation phase of Sudan's peace. If the interim period is not used as a time to bring the south on board with the idea of eventual unity – by way of an inclusive and open constitutional drafting process that will by necessity address thorny questions – then separation will be a foregone conclusion. (Indeed, a countrywide referendum on the constitution could confirm Sudan's eventual status even before the referendum on self-determination.)

Such a process would not necessarily begin until one or two years into the interim period, to allow enough time to determine whether the transitional arrangements are taking hold and for the southern regional government to begin functioning. Regardless, the process would provide the impetus to keep the parties seriously engaged in working toward keeping the peace.

A national constitution drafting process could become the fulcrum for creating a unified Sudan attractive to southerners and other marginalized groups and for dealing with north-south and center-periphery questions. Together with the other steps recommended in this report, bringing the Sudanese together to draft a new constitution will be a key guarantee to help sustain the long-awaited peace.

V. CONCLUSION

Lasting peace in Sudan would reverberate throughout Africa, the Arab world, and globally. But signing an historic peace agreement will not guarantee successful post-conflict reconstruction in Sudan. Several critical openings must follow – with expanded roles for the Sudanese people and their international partners.

Sudanese fighters from both sides will need to integrate into joint military units that defend Sudan's borders and gain capacity to deal with internal rogue elements. A robust chapter VII-mandated international security presence, along with carefully conditioned security assistance and effective DDR programs, will be a key part of achieving those aims.

Sudanese politicians must expand the opportunities for fresh and excluded voices to participate in Sudan's governing structures (north and south, national, regional, and local) and its political processes. Benchmarks against which international assistance is measured could help guarantee this need, as would an inclusive constitutional drafting process.

Sustained economic assistance and forward-leaning decisions on reducing Sudan's debt burden will help move Sudan on the path to economic growth. At the same time, international pressure must be brought to bear on the Sudanese to ensure that revenue streams – particularly oil – are handled transparently and for the benefit of Sudan's people, not its leaders.

Uncertainty, hatred, and mistrust run deep within Sudan. Donors must focus on building connections among the Sudanese and bringing communities together around common goals. The past focus on north-south issues should give way to more inclusive programs that begin to address the political and economic marginalization that is fueling discontent and conflict in Sudan's peripheral regions. Lasting peace will require not just changing attitudes within Sudan, but shifting outside practices to better confront the enormous challenges that will complicate reconstruction efforts.

Sudan's coming peace presents an opportunity to move beyond almost forty years of civil war. The United States, the United Nations, and other friends of Sudan must now consolidate and capitalize on that opportunity.

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Annex

Reconstruction Planning for Sudan

A. NORTH-SOUTH COLLABORATION

Working with donors, the GOS and SPLM/A have identified priority areas for near term reconstruction efforts. These are: capacity building at all levels; return and reintegration of displaced persons and refugees; economic development including small-scale enterprises; development of infrastructure; rehabilitation of basic services – health, education (including HIV/AIDS awareness and prevention), water and sanitation, and food security; data collection and surveys for analysis and sector policy formulation; governance, law and order, and human rights; welfare and social development; peace culture and information; and mine action programs. Donors are planning to advance this agenda through “quick start” programs.

A Joint Planning Mechanism (JPM) involving technical experts from both the GOS and the SPLM/A was integral to the development of these priority areas and was established to play a role in directing reconstruction tasks, but it is now largely moribund. Currently, the GOS and SPLM/A post-peace planning processes are for the most part being conducted in isolation. The GOS and SPLM/A continue to have fundamental differences over the extent to which reconstruction resources should be directed through a new unity government or transferred directly to the southern regional entity by donors. The GOS hopes to make the unity government a major conduit for resource flows, and perceives that planning and programs for the south will simply be incorporated into existing ministry accounts. The SPLM/A wants to bypass all unity government structures and funding mechanisms to avoid past failures of the north to transfer resources as promised. It is intent on undertaking independent initiatives with little or no input or oversight from the unity government.²⁷ These differences raise important questions about the extent to which the GOS and SPLM/A are serious about creating a national unity government that involves meaningful partnership.

If international organizations and donors are serious about encouraging unity or, at a minimum, creating meaningful dialogue between northern and southern entities, they will have to start with reform within their own operations. So far, only the United Nations has made significant organizational changes in anticipation of a “one country” approach.²⁸ NGOs now operating independent, parallel north-south programs will need to conduct peace-building efforts among their own northern and southern staffs and craft new strategies and operational approaches if they seek to support the Machakos Protocol’s goal of giving unity a chance. Donors will need to do the same, adopting a center-periphery strategy as discussed in this report. As a primary source of funding for NGOs, donors will have a major role to play in re-shaping the NGO approach in the aftermath of an agreement.

²⁷ These findings were borne out in an October 2003 conference hosted by CSIS that brought together health officials from the north and south.

²⁸ A new Khartoum-based UN representative recently radically overhauled the UN system and expanded its field offices. Previously, the United Nations was running two separate programs, one for the north and one for the south.

B. INNOVATION

Two decades into relief delivery, a number of humanitarian implementing agencies have begun to lay the groundwork for development, in spite of war. In secure areas of the south, innovative programs are underway to restore livelihoods while saving lives, to build civil society capacity, to assist with the creation of southern governing structures, and to invest in a number of critical sectors, including agriculture and basic education.

The U.S. government, the largest provider of humanitarian aid to the south, has been at the forefront of these initiatives. In addition to its \$155 million contribution for humanitarian and food aid programs, it provided \$24.5 million in transition and development assistance in fiscal year (FY) 2003 and has requested \$87 million more in non-humanitarian assistance for FY 2004 (including a projected \$6 million for transitional assistance). Transition assistance programs are building the capacity of the justice system, and supporting independent media, conflict resolution, and local peace processes. Development activities are focused on improved governance in the south, infrastructure repair, agriculture, education, health services, and other economic recovery activities.

C. DONOR FUNDING PLANS

Information below is based primarily on informal conversations with donors in the fall of 2003. Some portions are also drawn from UN and newspaper reports.

United States: The United States' largest sustained humanitarian assistance account throughout the 1990s and early 2000s has been for Sudan. Over the last two decades (since 1983) the United States has spent almost \$2 billion in humanitarian assistance there, predominantly in the south. This is testament to the support for southern Sudan within consecutive U.S. administrations, Congress, and among numerous interest groups focused on issues such as hunger, human rights, the oppression of Christians, and slavery.

If the Administration receives its requested FY 2004 budget levels for Sudan, the Sudan account will be the single largest U.S. development assistance account in Africa. Yet, funds will still be insufficient to address post-conflict needs, as discussed in this report.

The United States is the largest donor to Sudan. FY 2003 funds totaled \$178.9 million: \$113 million in food aid, \$42 million in International Disaster Assistance funds, \$2 million in Transition Assistance funds; and \$22.5 million in Development Assistance funds.

The current FY 2004 funding request is based on a "stalemate" scenario. It includes \$16.4 million in Child Survival funds, \$49.6 million in Development Assistance funds, and \$15 million in Economic Support Funds. The Office of Transition Assistance is tentatively planning for a \$6 million program in FY 2004, contingent upon actual levels appropriated by Congress. Total food aid and humanitarian assistance funding vary annually according to need and funds availability.

European Union: In the event of peace, the European Union's post conflict strategy will provide approximately \$516 million for education and food security. Other sectors that may be supported include human rights, good governance, rule of law and land mine clearance. Funds may also be used for DDR activities. In support of the strategy, UNDP has received funds from the EU for sectoral studies in the areas of rule of law, governance and sustainable livelihoods. Humanitarian assistance programs will also continue. The EU has provided about \$29 million in humanitarian assistance this year and expects a similar outlay in 2004.

Canada: Sudan is not a "priority" country for development resources; future funding will be modest. Canada will continue its support for vulnerable groups affected by conflict, including IDPs and refugees.

Denmark: Provided \$3.5 million in humanitarian aid in calendar and FY 2002. They plan to make a contribution for peacekeeping in event of an agreement; there is no plan for a bilateral aid program. Sudan has considerable debt to Denmark, which Denmark expects to be managed under an international debt forgiveness program.

United Kingdom: Committed \$29 million for Sudan in FY 2002/2003. Resources went toward health programs; peace building, including support for the Nuba Mountains Joint Military Commission; education; coordination and security support for relief operations; anti-abduction and anti-slavery efforts; demining; and research. The FY 2003/2004 focus is on supporting the peace process, governance, justice, security, DDR, development of civil society and economic reform. Humanitarian aid will also continue.

The Netherlands : Bilateral assistance may resume in the event of an agreement. It expects to spend about \$11 million in FY 2003 for emergency and relief operations and some \$1.23 million on support for the Nuba Mountains Joint Military Commission and the Verification and Monitoring Team. If peace occurs, it plans to add an additional \$5 million to its budget for Sudan. Additional funds will be tied to implementation of the peace accord and progress in areas of democratization, human rights, and the rule of law.

Norway: In the event of a peace agreement, Norway plans to increase its diplomatic and economic aid presence in Khartoum and southern Sudan and resume direct bilateral assistance, including for non-humanitarian purposes. It anticipates the resumption of development assistance and providing support for any international monitoring of ceasefire arrangements. Norway provided roughly \$32.5 million to Sudan in 2003 for humanitarian assistance efforts and to support the peace process (including support to IGAD, the JMC, and the VMT). It also supports capacity building initiatives for the SPLM, working closely with the World Bank and UNICEF. In 2004, it anticipates a total contribution to Sudan of at least \$40 million. This aid will be focused on war-affected areas and will include humanitarian assistance, education, health, and sanitation, assistance for IDPs, support for local media initiatives, and support for security arrangements (e.g., mine clearance and DDR). Norway is also beginning to consider debt relief issues. As co-chair of the IGAD Partners Forum, Norway has offered to host a donors' conference for Sudan reconstruction needs shortly after an agreement is signed.

Italy: Aid may be dramatically reduced in the near term due to an economic downturn in Italy. It provided about \$8.7 million to Sudan in 2002 and 2003. Programs supported include basic education, health care, nutrition, demobilization of child soldiers, improvements in water and sanitation, and food security. One of Italy's priority areas is the demobilization of child soldiers.

Sudan: In May 2003, the Arab press reported President Bashir as saying Sudanese firms had pledged \$2 million to help rebuild schools and roads. The Government of Sudan itself has pledged 2.5 billion dinars for Sudan's reconstruction fund. In addition, the head of the Government's Rehabilitation and Development reported recent success during a fundraising tour of Arab states.²⁹

Arab Fund for Economic and Social Development: Pledged up to \$10 million for water projects in the south and funds to cover 50 percent of the estimated \$150 million needed to build a road between Renk and Malakal in the south.

Saudi Development Fund: Pledged the remaining 50 percent of funds needed for the Renk-Malakal road.

Abu Dhabi Development Fund: Pledged \$10 million to rehabilitate Sudan Railways. The **Sultan of the UAE** agreed to finance the construction of a highway in southeastern Sudan, linking Ed Damazin and Qissan.

²⁹ "Government, Firms Promote Peace in Sudan with Reconstruction Funds," *Agence France Presse*, May 29, 2003.