The Impact of CPA's Power Sharing Arrangements on the Process of Democratic Transformation in Sudan

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I. Introduction

The transition towards democracy in post-conflict societies seems to be one of the hardest tasks of peace building processes. Moreover, the transitional stage is likely to be charged with various challenges especially in countries where peace has been achieved through concessions. Democratic transformation is thought to be the most promising solution to the security dilemma caused by fragile peace and the mutual distrust between former enemies. The Sudan, after signing of the Comprehensive Peace Agreement, is now facing such challenges.

The goal of this paper is to specify the role that the CPA can play in the course of democratic transformation. Responding to criticism of its exclusiveness and the marginalization of various political actors in Sudan, signatories, regional mediators, and international partners[1] have optimistically stated that the CPA has two goals: first, the settlement of the conflict in the South, and second, addressing other all sociopolitical problems through establishing a democratic system of governance. In fact, the CPA's provisions have incorporated various measures toward democratic transformation. The assumption that the framework of the CPA is applicable in the context of transformation to a democratic system is however plausible only in reference to the mere text of the agreement and less so to the realities of the situation.

In this paper, I will examine the validity of this assumption through examining the following: a) a comparative historical analysis of the stages of peace making efforts in Sudan; b) analysis of the CPA's two goals and the compatibility of the tasks that the CPA is supposed to achieve to further these.

The Comprehensive Peace Agreement (CPA) that was signed in 2005 between the government of Sudan which is controlled by the National Conference Party, and the ex- armed opposition movement, the Sudan People Liberation Movement (SPLM), succeeded in settling the North-South conflict. The conflict had lasted for more than 22

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[1] The chief of the mediators, the Deputy Secretary of State Department of the USA, and other observers have remarked that all political parties have the chance to contest the forthcoming elections.

years, destroyed most of the existing infrastructure, and produced a large number of refugees and internally displaced persons. In total, more than 2 million people have directly or indirectly lost their lives because of the conflict.

In addition to its goal to bring peace, the CPA, which resulted from 3 years of prolonged negotiations, was also designed to create a framework for a political system for post-conflict Sudan. The Machakos protocol[2] in its preamble has clearly stated that the parties desire to resolve the Sudan conflict in a just and sustainable manner by addressing the root causes of the conflict and establishing a framework for governance under which power and wealth shall equitably be shared and human rights guaranteed.

In order to achieve such goals the parties agreed "that the unity of the Sudan, based on the free will of its people democratic governance, accountability, equality, respect, and justice for all citizens of the Sudan is and shall be the priority of the parties and that it is possible to redress the grievances of the people of South Sudan and to meet their aspirations within such a framework."[3] Moreover, the protocol goes further in Articles 1.5 and 1.6 to ensure that the people of Sudan agree to establish a democratic system of governance. Additionally, these Articles state that the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan. From my own understanding of these Articles, I argue that the CPA's protocols argue that deficiencies in democratic governance are either at the root cause of the conflict or at least one of the strategies through which the root causes of the conflict can be addressed.

The general election scheduled for the summer of 2009 will be the first multiparty elections since the military coup on June 30, 1989. A successful election will serve as the guarantor for building sustainable peace and examining the workability of the agreement as a framework for democratic transformation. However, the upcoming elections will face many obstacles which may undermine the move towards a peaceful political transformation. Some of these obstacles are phenomena observed in many post-conflict countries. Others could be considered as main characteristics of Sudanese politics. Needless to say, the CPA's role in the termination of the conflict in the south is significant. It was a product of three years of patient negotiation between the two parties. The international mediators and facilitators have also played a significant role especially when the two parties met a deadlock over many issues. However, when it comes to democratic transformation toward a multiparty system, I can hardly find enough evidence to prove that the CPA could play a role in this transformation process.

Therefore, I will attempt to demonstrate that the CPA cannot contribute to the process of democratic transformation. Its limitations are due to various factors.

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[2] See the Machakos protocol at http://www.unmis.org.
[3] Machakos Protokol Article 1.1

Specifically, I will focus on the following two points. First, the type of regime that reached the agreement. Second, the guarantees incorporated in the agreement to ensure its sustainability. These guarantees are: 1) the right of self-determination; 2) the power-sharing formula; 3) the wealth-sharing formula; 4) the security arrangement agreement where SPLM could preserve its military and sovereignty in the south. In considering these points, I will challenge certain scholarly assumptions, such as those made in particular by Caroline Hartzell and Matthew Hodie who claim that these guarantees are the safeguards for the implementation of any peace agreement and that the more powerful the power-sharing arrangements are the more likely that conflicting parties reach a negotiated settlement.

1. Research Question

The central question of this paper is: can democratic transformation be achieved through the CPA bilateral power-sharing arrangements?

2. Hypotheses

The CPA has succeeded to end the war in southern Sudan, but made compromises with regards to the process of democratic transformation. In other words, the CPA was signed between the National Conference Party (NCP) and the SPLM and excluded other political forces both from the South and the North. Expectedly, therefore, the agreement allocated the largest part of the pie to the signatory parties.[4]

On the other hand, the incorporation of the right of self-determination in reference to the status of the South will expose the SPLM to massive pressure from multiple constituencies in order to focus on the South's development and strengthen the Sudan People Liberation Army (SPLA) infrastructure rather than challenging the NCP on national issues, especially those related to the process of democratic transformation.

3. Methodology

The research method used here is to address the problem of democracy and conflict from a comparative historical perspective of the peace process in Sudan and through empirical analysis based on interviews and questionnaires focused on the question of democratic transformation within the framework of the CPA.

The analysis takes as the independent variable the type of regime, whereas the key dependent variables are the concluding of the peace agreement and democratic

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[4] During the interim period, the NCP will benefit from the strong position guarantied by the CPA and will mobilize the state resources to gain voter support. The power-sharing formula designed by the CPA will be valid until the general elections.

reforms in the post-agreement stage. The conceptual arguments I apply are based on conflict resolution theory, the theory of electoral governance, the theory of constitutional liberalism, and the theory of liberal democracy.

4. Structure of the Paper

In the first section I explain the research topic, research question, and hypothesis. In the second section I make a comparison between peace efforts under authoritarian regimes and democratically elected regimes. Moreover I explain the similarity between political environments under which both of the authoritarian regimes of Numairy and Bashir succeeded to conclude peace agreements. In the third section I explore the impact of the guarantees provided under peace agreements on the process of democratic transformation. In section IV, I focus on the opposition parties evaluation of the implementation of provisions related the democratic transformation. Finally, in the ffth and last section I conclude by assessing the validity of my hypothesis based on evidence provided in the earlier sections.

II.   Authoritarian Regimes and Peace Agreements

As I mentioned in the previous section, civil war in Sudan began shortly before the independence of the country. This first civil war lasted from 1955 till 1972 when the Numairy military regime reached to negotiated settlement with the SSLA/SSLM in Addis Ababa. From 1972 to 1983 the country experienced a short-lived period of peace, and then the second civil war started.

In January 2005, the NCP government of Sudan and the SPLA/M had reached a comprehensive peace agreement known as CPA to end the second civil war. Referring to Sudanese history, we can observe that both peace agreements were signed in the time of authoritarian regimes that came to power through military coups. The Addis Ababa agreement in Numairy's time and the Naifasha peace agreement under the Bashir led NCP government.

In comparison, many initiatives were launch to find a peaceful solution for the conflict under democratically elected governments but all failed. The round table conference in 1965, the Koka dam declaration in March 24th 1986, and the Merghani-Garang agreement in the 17th of November 1988 are some of these initiatives. However, none of these initiatives progressed even to full scale peace agreements. The central question in this section is why did authoritarian regimes manage to reach negotiated settlements for the conflicts while the democratically elected governments could not?

In the first part of this section I will address the environment which contributed to the signing of peace agreements in 1972 and 2005. In the second part, I will explore

the reasons that why democratically elected governments failed to reach to peaceful settlements.

1. Comparative Analysis of the Socio-Political Situations

Below I attempt to show similarity between the socio-political circumstances which motivated the various parties involved to reach negotiated settlements. I can classify these motives into the following. First, the search for legitimacy, second, the split in the governing party, third, to reduce foreign pressures, and finally, in order to contain northern political forces and to block some kind of alliance between northern and southern anti-government forces.

1.2. Search for Legitimacy

Both the Numairy and the Bashir regimes are authoritarian and seized power in military coups. Since the two regimes faced strong resistance from most of the existing political parties, and since they claimed that they seized power to settle the conflict in the south, they had to take some measures in order to legitimize their seizure of power through undemocratic means. Therefore, settling the conflict in the south was one of the top priorities of both regimes. The mishandling of both second and third democratic regime of the situation in the South and the escalating violence by rebel movements contributed to rising dissatisfaction in public opinion that paved the way for the military to repeatedly assume power. I will trace these efforts in section 2.

1.2.1. Split inside the Regime's Supporting Political Party

The May revolutionary regime of Numairy which was opposed by all political parties except the communist party which expressed its support to the new regime and in turn the new Numairy has incorporated 6 cabinet ministries from the Sudanese Communist Party. The regime gained its legitimacy and functionality by being supported by the SCP with its affiliated professionals who served in the civil service of the newly created regime.

However, after the July attempted Coup led by officers from the SCP, Numairy has totally lost support from partisans. To overcome the crisis, Numairy showed his seriousness to find a solution for the situating in the south. First, he began to adopt Afro-Arab policies to be the defining policy for Sudan. By doing so, he managed to draw attention from African circles that were suspicious of the northern intentions to solve the south conflict [Johnson 2003].

The Bashir government also shared some common features with Numairy's regime. The military coup was mastermind, or at least supported later, by the NIF. From 1989 until 1999, the NIF had played an important role to stabilize the regime. It was the only political party that was totally absorbed in the regime. However, in 1999, when the leader of NIF DR. Turabi started to show some resistance to the president when he tried

to introduce some amendments in the constitution to reduce the president's power, Bashir responded by dissolving the national assembly. Turabi tried to resist, but Bashir went further to declare a state of emergency on May 12th 1999. Turabi, who lost his power as the speaker of the national assembly had become an imminent threat when he stated that "all options are open including armed confrontation."[5] He then established a political party known as the Popular National Conference (PNC), but many of his followers in NIF preferred to stay in the Bashir government.

Loosing Turabi's support, Bashir feared that Turabi might join the opposition. Specially, when Turabi signed a "memorandum of understanding" on Feb 19th 2001 in Geneva with the SPLM, this signified coordination between the two parties to fight the government. To survive this critical situation, the Bashir regime appealed to the international community, especially the US. Bashir fired the fundamental elements in his regime, and started to cooperate with the CIA in its war against terrorism (Gerald 2006: p. 83, Woodward 2006]. Along with such development, Bashir appeared more enthusiastic to find a peaceful resolution for the civil war. So for the first time, GOS delegates to the peace talks in Kenya signed the Machakos Protocol through which both sides recognized the right of self-determination for the southern region [Young 2007].

1.2.2. Reducing International Pressures

Since the southern neighbors of Sudan - Uganda, Kenya, Ethiopia, and Zaire - were sympathizing with the SSLM, Numairy wanted to break these relations in order to reduce pressures from both regional and international circles. In the case of Ethiopia, the government had good relations with Israel and was hostile to many of Arab regimes because of their support to the secessionist movement in Eretria. Numairy regime was one of those regimes which had strong relations with Arab countries and an anti-secessionist agenda. Uganda was under Idi Amin who maintained good relations with Israel, and provided the most logistic support for SSLM especially through Israel. To stop such support, Numairy needed to find a peaceful settlement for the conflict. His earlier position of providing regional autonomy for South Sudan was welcomed by African neighbors who promised support for the peace efforts during a summit held in Jan 1970 in Khartoum at which most of central and eastern African states were present.[6]

For the Bashir government, international pressure was more severe than Numairy's time. Both regional and international hostility to the regime because of its policy in the south and its sheltering of Islamic terrorist organizations from neighboring countries and international terrorist groups like Al Quaeda led to the isolation of the regime. More specifically, the Clinton government in the US had taken drastic measures against the Bashir government. In 1998, the US government had expressed its will to

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[5] Irin Dispatch, May 11th 2000, quoted in Gerald 2006, p 84.
[6] Richard P. Stevens, "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy." p 256.

topple the Bashir government when it responded to the alleged masterminding of suicide bombings in the US embassies in Nairobi and Dar Elsalam. Moreover, the US had listed Sudan as a terror supporting country, which meant more economic sanctions were imposed.

Since the neighboring countries, especially southern neighbors such as Uganda, Kenya, Eritrea, were strategic allies of U.S. in its war against "terrorism", these countries received substantial military assistance. It is reported that part of the military assistance to Uganda was for guerrilla warfare. Such arms were used in 1997 when Ugandan army directly participated in a round of warfare in south Sudan. Eritrea was also enthusiastic about the idea of toppling the regime. Aforqie's regime did not only give refuge to the NDA, but went further to allocate the Sudanese embassy building in its capital to the NDA. Finally, Egypt was also angry with the regime when it accused it of masterminding the failed assassination attempt of its president during his participation in OAU summit in 1995 in Addis Ababa.

All these factors contributed to strengthen the political and economical isolation of the regime. To reduce such pressures, the Bashir government, since the early 1990s, used the policy of showing the willingness to hold peace talks although it held to a strict and uncompromising position. However, international pressure had never been reduced, and in fact it steadily got stronger. A major breakthrough in the peace talks seemed to be the only way to avoid a direct confrontation with the US, especially after September 11th.

Prior to this development, the election of George W. Bush who expressed has concern about Sudan had given the Bashir regime a hope. As an article in The Washington Post on 11 March 2001 put it, 'Suddenly Sudan.' Bush himself had mentioned southern Sudan in a speech shortly after his election; and Secretary of State Colin Powell, who was questioned on Sudan during his confirmation hearing, said that, 'There is perhaps no greater tragedy on the face of the Earth today than the tragedy that is unfolding in the Sudan' (Washington Post, 11 March 2001). In his book on the US foreign policy in the Horn of Africa, Peter Woodward has provided a precise explanation about the set of motives that pushed the newly elected president to engage in the Sudanese issue. He also explained how cooperation between the CIA and GOS had satisfied the US officials.

1.2.3. *Containing Northern Opponents*

For both regimes, the northern opponents did represent an imminent threat because they claimed that they were the legitimate rulers who were authorized by the people's will. Both regimes were aware that the northern opponents, especially the Umma and DUP who had strong support among followers of the Ansar and Khatmyia sects and who could regain their grounds if any reconciliation lead to free and fair elections. As I mentioned above, the regime needed to show some achievements to gain public support. Therefore,

settling the conflict in the south was very catchy and less risky business compared to any reconciliation with northern political parties, followed by a process of democratic transformation.

For the Bashir government, after the exploitation of oil in the south and the construction of the pipeline to the port in Port Sudan, security of oil infrastructure became one of its top concerns. The SPLM in the mid 1990s had joined the National Democratic Alliance (NDA), and deployed some of its troops to the eastern front where the NDA forces were active. Supported by strong logistics from SPLM and Eretria, politically supported by Sudanese in and outside of the country, and able to gain international support from both western and some of Arab countries, the NDA became very challenging to the regime. For the NDA altering the regime was essential (Woodward 2006). Moreover, we notice that the NDA started to attack the new pipeline, even in northern territories. The SPLM, despite of its broader military size and capabilities had never succeeded though it may not have ever intended to attack the oil facilities in the south.

For these reasons, the NDA became a very challenging opponent to the regime since it started to target its economic infrastructure which added to their position in political sphere. Since the NDA's strength was nurtured by logistic support from both Eritiria and the PLM, the Bashir regime wanted to contain it by showing the will to negotiate and bargain with the SPLM on the one hand, and taking serious measures to regain good relations with Eretria on the other. Considering the fact that the Eritrean opposition is acting from the Sudanese territories, a reciprocal relation was the way to stop Eretria's support for NDA – thus weakening its capability to challenge the regime. Viewing this fact, we can understand why the Bashir government insisted to negotiate the peace talks bilaterally with the SPLM rather than including all its opponents in one negotiation process.

2. Why Democratically Elected Governments Failed to Bring Peace

Although 38 years of post colonial Sudan had been governed by military authoritarian regimes, the country had experienced short-lived democratic regimes. During the democratic periods however the civil war had never been settled. There were some attempts to bring peace to the country during these periods, but most of these efforts were not even remotely successful. Here, I will trace such efforts, then try to find some explanation for the consistent failures.

2.1. The First Democracy and Peace Efforts

This period started in 1953 and lasted until 1958. The major characteristic of this period is the underestimation of southerners' demands for federalization. Although the southerners in early 1950s demanded the suspension of the right of self-determination for the

Sudanese to decide whether to fully realize independence or independence with special relations with Egypt, the southerners demanded that South should politically and economically develop to the level of the North in order to fill the economic gap between the two parties. Political parties did not only neglect this demand, but went further to describe it as an effort by the British to hinder the rapid move towards independence.

The second major failure of national government was its poor response to the southerners' MPs demand to have a federal structure between the two parts of the country (Keith).[7] Although a committee of 43 members was build up to discuss the matter, the southerners were represented by just 3 members. These 3 representatives walked out on the committee because it recommended that there was no need for a federal system (Bashir 1968 p. 79). Southerners' suspicions of northerners were deepened. The results of the 1958 elections in which the Federal Party with its extreme vision of north-south relations won 40 of 46 seats of the south show how southerners supported the idea of having some kind of decentralized system.

Another reason for the growth of a militant political consciousness among the southern educated minority is the result of the work of the Sudanization Committee, which have replaced most of the senior posts that foreigners used to fill by northern Sudanese (Howell 1973 p. 167).[8]

2.2. The Second Democracy and the Same Mistakes

After the removal of the military regime in October 1964 through a public uprising, and the good will shown by the transitional government headed by Prime Minister Sir Elkhatim Elkhalifa to solve the problem, a round table conference was held but did not reach a final agreement between southerners and northerners. Many factors contributed to the failure of the conference but the lack of a mandate to settle the conflict and the poor experience of newly appointed administration seem to be the main ones.[9]

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[7] Keith Kyle, "The Sudan Today," *African Affairs (London).* 1966; 65: 233-244. This address was given at a joint meeting with the Royal Commonwealth Society on April 14, 1966. Mr. Philip Broadbent, a former member of the Sudan Political Service presided.

[8] John Howell, "The Royal African Society Politics in the Southern Sudan", African Affairs, Vol. 72, No. 287 (Apr., 1973), pp. 163 -178.

[9] Henderson has described the lack of experience and vision of the new government stating: "It was a government of resistance leaders. It was a government of active partisans. It was a government which came into being almost overnight without any previous planning; and it consisted of men who had the moral courage to defy the military government before they knew which way the thing was going. Now much as one admires men of that moral courage, one does not necessarily conclude that they are heaven-born administrators. You've only got to think of resistance leaders in other parts of the world to be aware that they are not the men to put in charge of a caretaker government whose job is to mark time until free elections can

Although the twelve man committee which was responsible to follow up the process was appointed, again the northern political parties began to turn their backs on the problem and start competing to win the general elections. After the elections many events negatively affected the peace process. First, the declaration to establish an Islamic state by the Islamic Charter Front, and the comments of leaders of NUP and Umma Party to demand such a state had demonstrated the southern extremist's views about the northern political forces as unwilling to solve the problem. Violent accidents in many cities in the south had triggered such views. Finally the expulsion of the Communist Party's members from the parliament proved that even an agreement between two parties could be betrayed by northern political parties (Bashir 1968 pp. 91-96).

2.3. The Third Democracy 1986 – 1989

In March 1985, the public disobedience escalated, and most of the professional organizations joined a general strike. On April fifth, the military headed by the defense minister Abd Alrahman Suwar Aldahab, conducted a white coup and established the Transitional Military Council. Suar Aldahab promised to hand over power to a democratically elected government after one year.

The second civil war, which began in 1983, however, did not see any improvement. The SPLM refused to negotiate with the new regime in Khartoum accusing it to be no more than a continuation of the old regime. Most of the political parties and professional organizations which composed the National Alliance for National Salvation (NANS) started to contact the SPLM in order to convince it to take part in the general elections. On March 24th 1986, shortly before the general elections SPLM and NANS had finally agreed to convene a national constitutional conference to discuss the following issues:

- The Nationalities Question.
- The Religious Question.
- Basic Human Rights.
- The System of Rule.
- Development and Uneven Development.
- Natural Resources.
- The Regular Forces and Security Arrangements.
- The Cultural Question, Education and the Mass Media.
- Foreign Policy. (Koka Dam declaration).

As a prerequisite to the national constitutional conference, it was decided that the government should resign and be replaced by an interim unity government including the SPLM and the national armed forces (Hamid Omar Bagadi. A review of the peace efforts

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be held." K. D. D. Henderson, "Sudan Today" (Jul., 1965), The Royal African Society, The Sudan African Affairs, Vol. 64, No. 256, pp. 170- 181.

since April 1985). The declaration however, was not signed by DUP and NIF who came second and third in the general elections of April of the same year. The joint liaison created according to the agreement between NANS and SPLM started preparations for the National Constitutional Conference, however, the newly elected prime minister and the leader of Umma Party rejected the idea arguing instead for the need to include non-signatories in the process.

In a meeting between the prime minister and DR John Garang, the leader of SPLM, in Addis Ababa June 30th 1986, both members agreed to broaden the process in order to include other unrepresented members. The mood of the forthcoming peace agreement was spoiled however in August 1986 when the SPLM shot down a civilian aircraft nearby Malakal airport in the south. Another civilian aircraft was also shot down in the following year, and confrontations between both sides continued.

In November 1988, the DUP, the minor party in the government coalition, managed to reach an agreement known as the Sudanese Peace Initiative (Garang-Merghani) agreement, which applied more flexible prerequisites to convene the National Constitutional Conference. The most significant development was suspension of Islamic Law until it was agreed upon by the National Constitutional Conference [see Bagadi]. The Umma Party and NIF refused to sign the agreement for various reasons. The Umma Party, the major partner in the government, criticized the unilateral action by its minor partner. Most likely the Umma party feared the political benefits of reaching the peace agreement would go to its strong political opponent. NIF refused to sign due to its strict position in regard to the Islamic laws which its leader Hasan Alturabi had strongly pushed for the adoption of in 1983.

DUP then turned to the opposition and paved the way to a NIF-Umma coalition which meant a de facto failure of the initiative (Kamal Osman p 223--224). Although the Umma later showed its will to discuss the initiative, the June 30 coup undercut such efforts. Viewing the peace initiatives launched during the democratic periods, it should be clear that the rivalry and the factionalization between political parties to have the leverage of reaching peace with the armed opposition has negatively affected the peace process. Most of the peace initiatives launched from 1985 to 1989 were almost the same in terms of their components. However, the northern political parties had always played the peace process as a card to broaden their own public support. Another reason was that none of the major political parties in postcolonial Sudan managed to secure a majority in the national assembly because of the clear division of both big parties' constituencies. Reaching the peace agreement could be the only way to break the political stalemate and attract new sympathizers and supporters. In conclusion to this section, for the reasons given above successful peace making was potentially more likely to take place under authoritarian regimes rather than the democratic ones.

However, an important question could be raised that could the same situation as that

of the Addis Ababa agreement happen again? Viewing the similarity of the motives that both authoritarian regimes displayed in choosing to make the peace agreement a tool of survival, we can predict that the NCP regime might (or in fact already did) show reluctance to fulfill what had been agreed upon in Naivasha. However, this time, the SPLM seemed to learn from its predecessor the SSLM, and managed to incorporate strong guarantees into the agreement. In the following section, I will do some analysis on some of these guarantees, and then I will show how these guarantees affected the process of democratic transformation.

III.   The Impact of the CPA's Guarantees

The goal of this section is to provide some analysis of the CPA's guarantees provided to SPLM, which were not incorporated in the Addis Ababa Agreement, and their impact on the implementation of provisions related to the process of democratic transformation. In subsection two I will describe the background of incorporating these guarantees into the CPA. In the next subsection, I will demonstrate the impact of these guarantees on the process of democratic transformation referring to SPLM behavior as a partner in the Government of National Unity (GONU). In subsection four, I will explore how the SPLM managed to secure its agenda on issues related to the South.

1.   Background to the Incorporation of Strong Guaranties into the CPA
Learning from the failures of the 1972 Addis Ababa agreement, the SPLM managed to incorporate major guarantees into the CPA to ensure the smooth implementation of the agreement. The guarantees are: the right of self-determination on the future of the South, the participation in the national government as stipulated in the power-sharing protocol, the wealth-sharing of the oil revenue exploited in the South, and the security arrangement agreement which allowed the SPLA to keep its forces as an independent army that receives orders from GOSS.

1.2. The Right of Self-determination
One of the most significant developments in the CPA is the incorporation of the right of self-determination that gave the Southerners the right whether to vote for independence or confirm unity with the rest of the country (see the Machakos protocol Article 2.5 & INC 2005). Its significance lies not in the conduct of this challenging right that would lead to the birth of new state, but in the conviction of SPLM that the NCP will not show a flexible attitude on the issue of the principal of a secular state. According to the Declaration of Principles (hereafter abbreviated as DOP), the right of self-determination must be ensured should the Government of Sudan refuse the secular state (Robert 1999 p. 119). Bearing this fact in mind, I argue that the context of incorporating the right of

self-determination in CPA could not be exclusively interpreted at the time of singing the agreement as de facto independence of the South.

For the NCP, John Garang with his strong grip on leadership of the SPLM and as an advocate of the New Sudan Vision, was perceived in some circles among the NCP as the best partner for a peace deal. For the NCP, bargaining that Islamic law be preserved in the North was successful if John Garang managed to convince the Southerns to vote for unity. In contrast, for Garang, the ambitious charismatic leader, the interim period designed by CPA was the best chance to appeal for all Sudanese that he can bring democracy, equality and prosperity for the whole country. So the right of self-determination and the preservation of Sharia in northern states were the point of compromise that hardliners in both sides could accept.

John Young has presented a sharp analysis of the bargaining between Taha and Garang and demonstrated that an under-the-table agreement between the two leaders enabled them to come to power in the national level so peace talks were held many times by the two men when it reached to a deadlock and were about to collapse. Young's analysis is plausible because Taha was reported to have a dispute with the hardliners in the NCP and that he could have strengthened his position had he managed to secure an overall peace agreement and formed a personal alliance behind closed doors with Garang. However, this highly calculated tactic failed due to the the death of John Garang, which led to a sidelining of Taha (see Young 2005, and international crisis group report at http://www.crisisgroup.org/home/index.cfm?id=5329&l=1)

The new Sudan vision itself faced a major setback after the swearing of Silva Kiir as a first vice president of the republic and a president of the Government of South Sudan who seemed to be less enthusiastic of this vision. Although implicit, Kiir's belief of independence for South Sudan can be observed on many occasions. One of these, for instance, is his acceptance of the formation of a national government in which none of the SPLM's members were appointed to fill posts of the sovereign ministries except that of the Foreign Ministry, though it is widely believed that the two parties had agreed upon the allocation of key ministries to the SPLM (see the Power-sharing Protocol 2.5.3 and the CPA Appendix D). Kiir's preference not to challenge the NCP in many national issues like the conflict in Darfur could have been also interpreted as a fear of losing what the Southerners managed to gain by the CPA, specially the right of self-determination.[10]

1.3. Participation in the Government Of National Unity

Another achievement of the CPA is the allocation of 28% of the seats in the national legislative bodies and national executive bodies to the SPLM (see the Power-sharing Protocol 2.2.5, 2.5.5, and the table concerning power-sharing). Although the People

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[10] The efforts by the SPLM to unify Darfur rebels had been criticized by many as being a political game which will not contribute to solving the problem. (see the international crisis report)

Regional Assembly was created and its members were elected by Southerners in the 1972 Addis Ababa Agreement, the Southerners' participation in the national level was limited to few marginal ministerial posts and seats in the SSU. The failure to institutionalize the provisions of Peace Agreement and The nature of the centralized decision making the Numairy regime was thought to be some of the factors that jeopardized the whole agreement (Kasfir 1977: pp. 143-166).

In the CPA, the power-sharing protocol specified the quota of the SPLM, ensuring that they could effectively take part in the decision making process. In spite of the strong criticism from Northern opposition leaders of the power-sharing protocols, which was applied not just to the legislative and executive bodies but also to the national committees as the NCRC, as unrepresentative to the Sudanese political landscape (interview with Elsadig El Mahadi found at),[11] many circles supported the bilateral peace talks which led to the signing of CPA. For example, Abil Alier, one of the engineers of Addis Ababa Agreement supported the bilateral peace talks claiming that opposition parties can pass their comments and demands either through the SPLM or the GOS. He further added that if the goal of these parties is democracy, the Machakos Protocol has provided the basis for free and fair democratic elections so these parties can take part.[12]

This statement by a dominant southern politician who served as the first Head of Executive Council of the Southern region, and his appreciation of the security guarantees provided by the CPA which were not included in the Addis Ababa Agreement imply some kind of optimism about the SPLM's role in the national government. Ironically, the SPLM did not manage to use its existence in the government to break the NCP's domination of decision-making especially on contentious national issues. Was that because it had just 28% of the seats in the national assembly and so it could not stop its partner from passing bills unilaterally? This should not have been the case, as the CPA stipulated that the NCP should refrain from using its majority in the parliament to pass laws, and the decision making should be built upon consensual manner (see power-sharing protocol). Therefore, the SPLM cannot claim that its inferiority in terms of the allocated number of seats in the national assembly prevented it from legitimately challenging the NCP.

2. Effectiveness of the Guarantees

In the following two subsections, I will try to make a simple comparison between the SPLM position on issues concerning procedures of democratic transformation and others concerning the implementation of provisions related to the South. Through this comparison I hope to demonstrate how the movement managed to force its partner to change its attitude toward many issues.

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[11] http://news.bbc.co.uk/hi/arabic/middle_east_news/newsid_4670000/4670189.stm
[12] http://www.asharqalawsat.com/details.asp?section=4&article=149098&issueno=8825

2.1. Electoral Act

The CPA stipulated that a general election is to be held before the end of the fourth year from the end of the pre-interim period (see the Machakos Protocol). To ensure that the election could be held in a free and fair manner, the NCRC had to draft an electoral bill. Since the power-sharing formula had been applied to the NCRC,[13] the NCP reported that it pushed for some provisions on which opposition parties had various observations. Based on interviews with members of 7 political parties and a questionnaire distributed to 17 political parties, I have confirmed that most of the respondents had some reservations on the draft electoral law. Interestingly, the SPLM itself had also some reservations on the draft but it was not amended. The leader of SPLM block in parliament and its General Deputy for the Northern region had stated that the SPLM had reluctantly signed the bill in order to avoid any delay in the schedule.[14]

2.2. Law Reforms and Key National Commissions

Another crucial milestone of the democratic transformation in Sudan is the reform of laws, specially the reform of the National Security and the Press and Prints Laws. The opposition parties repeatedly demanded the two ruling parties make some amendments to these laws in order to guarantee a free political environment and remove restrictions and ban harassment by the security apparatus. In an interview with one of the young journalists of Daily News Paper in Khartoum, who preferred to conceal his name, I made inquiries about the allegation that the newspaper is being checked every night shortly before the printing process. He said that every night, an officer of the national security comes and check the materials. Sometimes they are asked to delete their main headlines. The worst case is when they are ordered to delete the most popular column. The security officers do not even mention the reason of such orders. Interestingly, the respondent told me that they are sometimes ordered to delete sports news, which has nothing to do with political issues.

In November 2008, 10 of the newspapers refused to publish in protest against arrests of journalists who were gathering in front of the building of national assembly demanding the assembly to make amendments to the law.[15] The SPLM has condemned this action with its Deputy Secretary General for Northern sectopm adding that the movement will refuse to approve the general budget if the NCP refused to discuss their proposal on the amendments of what he called "Laws contradicting the constitution".

However, the speaker of the national assembly mentioned in a press conference

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[13] 31 members from NCP, 17 from SPLM, 8 from northern political parties, 4 from southern political parties (see UNMIS web site).

[14] 'Sudan passes election law ahead of key 2009 vote', *Reuters Limited*, 8 July 2008.

[15] http://www.aljazeera.net/NR/EXERES/38A16C8F-D5F1-4BAB-B304-A2AB7288FD49.htm

two days before the opening of the current session that the assembly is not going to discuss amendments of laws.[16] Moreover, the head of the NCP's block in parliament DR. Ghazi Salah Eldin in an interview with Alrai Alaam newspaper 28th Dec 2008, mentioned that the election could be held in free and fair manner even without making any amendments in the two laws.[17] Another legal adviser in the party went on to say that the current National Security and Print and Press laws should not be changed due to the security challenges the country is facing.

2.3. The Human Rights Commission

One of the commissions that should be created by GONU before the end of the second year of the interim period is the Human Rights Commission (see INC article 142. For democratic transformation this commission is essential to keep politicians and activist from being arbitrarily arrested by the security forces. However, the creation of the commission has been delayed until now. So can we expect free and fair elections in the absence of such a commission?

In this regard, the SPLM failed to convince its partner in the GONU to make amendments to the laws and create a human rights commission, which can protect members from the opposition parties in order to conduct free electoral campaign. Is the SPLM so weak that it cannot challenge the NCP on such issues? In fact, though the SPLM has successfully managed to push its agenda during disputes with its partner in GONU, all these successful efforts have been severely limited in effecting implementation of provisions concerning the South.

2.4. South first?

In this subsection, I will try to provide some analysis on the SPLM position in matters related to the dispute over the South. The objects of my analysis are the sharing of oil revenue, the Abiye issue, and the withdrawal of the national army from the south.

2.4.1.   The South's Share of the Oil Revenue

As stipulated in the wealth-sharing protocol (Article 5.6), the South should receive roughly 50% of the revenue of oil exploited inside the southern territory. However, the lack of transparency around the total amount of revenue generate had raised tension between the partners. One of the reasons for this lack of transparency is the delay of the establishment of the National Petroleum Commission (hereafter abbreviated as NPC) that is in charge of considering contracts related to oil exploitation and checking the

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[16] Zeinab Mohammad Saleh, www.sudanile.com, accessed on the 18th of November 2008.
[17] "Dr. Ghazi: It is Possible to Hold Elections without Security and Press Laws" *Alrai Alaam Newspaper* , Political News Page: http://www.rayaam.info/News_view.aspx?pid=381&id=27179 (Checked on 28 December 2008)

distribution of the oil revenue. However, strong appeal and protest from the SPLM have forced the NCP to go ahead in the creation of the commission. In spite of the creation of the commission, there are still minor disputes between the two parties but which were in effect solved later when the SPLM declared its withdrawal from the GONU.[18] The most obvious victory in this context is the major reshuffle in GONU including the replacement of the minister of Energy and Mining DR. Awad Ahmed El Jas.[19]

2.4.2. *The Abiye Issue*

One of the contentious issues of the implementation of the CPA is the demarcation of boundaries in the oil rich area of Abiye. Since the issue of Abiye had not been solved in the Naivasha peace talks, the two parties agreed upon the creation of Abiye Boundary Commission (ABC) which is composed of representatives of the international partners' forum, the NCP, and SPLM. The ABC's main task is to investigate the boundaries of the area. The decision of the ABC should be submitted to the presidency and its result is binding.

However, the president of the republic refused the report of the ABC accusing it of having exceeded its mandate. The result is that the ABC has raised the tensions between the two main groups in the area, the Miseiria tribes and the Denka Ngog group. The clashes between the two groups led to the displacement of tens of thousands of civilians and both NCP and SPLM did not show a reconciliatory gesture. The FVP Silva Kiir threatened that the South is ready to fight for Abiye. After consultations, the two parties agreed to send the case for international arbitration, which will decide whether the

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[18] On 11 October 2007, the Sudan People's Liberation Movement (SPLM) announced the suspension of its participation in the GONU, citing the lack of progress on the issues of Abyei, border demarcation, redeployment, transparency of oil revenues and preparations for the census and elections. It recalled its ministers, state ministers and presidential advisers from the GONU, and indicated that they would resume participation in the central government only after these issues had been resolved. On 17 October, President Al- Bashir, agreeing to one of the demands of the SPLM, issued a decree reshuffling the cabinet. The reshuffle concerned two Presidential Advisors, six Cabinet Ministers and six Ministers of State in the GONU. SPLM, however, rejected the decree on the ground that the reshuffling did not reflect the recommendations it had submitted to the Presidency.

On 26 December 2007, President Al-Bashir issued a series of decrees appointing new SPLM ministers, state ministers and presidential advisors in the Government of National Unity (GONU). The new SPLM ministers were sworn in on 27 December, thus ending a two-month boycott of the GNU. There was no change in the NCP line‑up in the GONU, as the NCP kept to its limited reshuffle in early December, which brought in one presidential advisor and six state ministers.

[19] Awad Abu Eljas, who the SPLM repeatedly complained about regarding his uncooperative manner, has been finally replaced by the former Minister of Finance.

ABC had exceeded its mandate or not. Sending the case for international arbitration could be considered as a victory for the SPLM but it was only achieved after the SPLM had shown its readiness to fight for the issue, and the stalemate in Abiye developed due to the movement's decision to withdraw from the GONU.

2.4.3. Redeployment of SAF

The last issue is the withdrawal of the national army from the south. It was decided that the Sudanese Armed Forces (hereafter abbreviated as SAF) should complete its withdrawal from the South by the date of 9 July 2007. For the SPLM, the existence of the SAF could be seen as a large source of pressure and a physical threat for the GOS because of the SAF's relations with the OAG and its role as a power distabilizer in the area. The SPLM repeatedly demanded the completion of the withdrawal. For various reasons, the SAF did not pull out on time. Responding to the delay, the SPLM just 3 months after the date of withdrawal suspended its participation in GONU.

Referring to Silva Kiir's speech in the U.S. in which he explained the reasons of withdrawal from GONU, he mentioned the 3 issues that I have already traced above. The Abiye issue, the South's share of oil revenue, and the withdrawal of SAF from the South are vital issues for the GOS led by SPLM and through this strong gesture, the SPLM could appeal to Southerners that it is capable to protect their interests from the NCP's violation.[20]

2.4.4. Concluding Remarks

I presented this simple comparison to show that the SPLM has compromised all of the contentious national issues which are necessary and essential in the context of democratic transformation. This compromise has been influenced by many factors. First national issues are no longer important for the SPLM because the movement has already started to prepare for the separation of the South from the rest of the country.[21] Second, leaving some room to the NCP, specifically in terms of the democratic transformation could be appreciated by the NCP because a genuine democratic transformation is costly as the party is not sure that a free and fair election could bring the party to power. Third, challenging the NCP on national issues will not necessarily raise the SPLM's popularity

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[20] On Wednesday November 7, 2007, the Wilson Center hosted a Director's Forum with Silva Kiir Mayardit, First Vice President of Sudan, President of Southern Sudan, and Chairman of the Sudan People's Liberation Movement (SPLM). *Woodrow Wilson International Center for Scholars*, "Sudan Update: Is the Comprehensive Peace Agreement Holding?":
http://www.wilsoncenter.org/index.cfm?fuseaction=events.event_summary&event_id=306089

[21] The speaker of South Sudan Legislative assembly addressing a gathering of youth on Christmas expressed the SPLM commitment separation of the South. http://www.sudantribune.com/spip.php?article29675 (accessed on 30 Dec 2008)

among Southerners especially among those who call for independence and may pose a substantial threat to the SPLM in the upcoming elections of the government of South Sudan.

IV.   Opposition Parties

In the previous section, we saw how the guarantees provided for SPLM in order to sign to the CPA have been resulted in the sluggishness of the process of democratic transformation. Here I will show how the opposition parties evaluated the process relying on secondary data based on the recent comments of the political parties regarding the upcoming elections as well as on two types of primary sources. The first is a series of interviews conducted with 7 of the major political parties. The other primary source is a questionnaire investigating the readiness of 12 parties (including the 7 interviewed parties) and the obstacles that they face to take part in the next elections. The analyses are qualitative with a focus on certain key observations from the data.

Of note, although the interviews were conducted with members from the political bureau and some of them are assistants of the party's leaders, still there is some limitation of the credibility of the information. There are various reasons for credibility limitations. First, most of the political parties' decision-makers are the party leaders themselves and the consultative role of political bureau is much less than the parties in established democracies. Specially, in the big two opposition parties their leaders are the heads of the supporting grassroots religious sects and are thought to be dominating the decision making process. Second, the respondents' suspicions about the interviewer's intention of gathering such information are thought to be affecting the answers. Lastly, in some cases, the interviewer failed to take appointments with the persons in charge of the elections file. For these reasons, I will consider this data as indicative only in supporting my argument.

The data will be incorporated into the analytical framework based on the following issues. First, the capacity building of political parties in the post-conflict stage; second, the choice of electoral system and its impact on the election's outcome, the law making process, and political freedoms.

1.   The Capacity Building of Political Parties in the Post-Conflict Stage

Needless to say, the role of political parties in any democratic transformation is crucial. If the assumption that authoritarian regimes usually maintain power by oppressing political parties and de-functioning is true, it can be applied to all authoritarian regimes in Sudan which officially abolished political parties. The No Party Abood Regime, the Single Party state of Numairy's regime, and the One Rule Party of Bashir's regime have

systematically until 1998 worked to defunct these parties. The political parties were dissolved and their properties were expropriated.

Ironically, these parties have survived the oppression and hostility of these regimes and managed to secure the first and second party positions in post-authoritarian regimes in 1965 and 1986 (see the table of results of previous elections). There are many factors that helped these parties, specially the DUP and Umma, to keep their popularity despite the oppression they suffered at the hands of the authoritarian regimes. First, the recruitment of these parties have been done among religious sects which gave solid support for the parties and the grip of these sect's leaders on the party's affairs has been strengthened during the time of oppression because the sects generally have a hierarchal structure that can absorb the dissolved party temporarily. Second, the vacuum of power after the removal of authoritarian regimes by public uprisings in 1964 and 1985 and the lack of alternatives, have worked positively for these parties. The very bad memories that the masses have experienced in the late years of the authoritarian regimes and especially the deteriorating economic situation, have also provided cover to these parties against their own failures in the past.

Although these parties managed to dominate the democratically elected governments in post-authoritarians times, these governments had never succeeded to survive for two continuous rounds. In addition to the prominent rivalries and conspiracies that have come to signify these governments, there are more root causes to these phenomena. I summarize these in the following.

First, *the short transitional period*: most of the political parties pushed for early transfer of power from the transitional governments to an elected government. Instead of trying to rebuild the party's institutions and to prepare for elections, these parties feared that any political maneuvering of new political parties might deprive them from maximizing their gains. Second, they lacked of an action oriented-program to appeal for electorates. Third, they inherited civil wars which continued to escalate due the policies of the previous regimes. Lastly, they inherited almost collapsed economies.

In light of their past experience, the transitional period designed by the CPA could be considered as a major chance for these political parties to build capacity and prepare for elections. The four years until elections is sufficient for these parties to reconstruct their structure and communicate with their supporters. It is also a big chance to develop a program oriented plan to tackle the challenging current issues. Moreover, their position out of office could give them an advantage to concentrate on their internal issues.

However, the CPA has not provided any structured mechanism for assisting non-signatory parties to build capacity. There are some international NGOs operating with opposition parties and organizing workshops, however, the opposition parties which welcomed the CPA despite of its exclusiveness in the hope of having a viable

environment to build themselves and contest the forthcoming elections have from my point of view been betrayed by a document where no explicit provisions specify in detail such assistance.

If we agree that the main pillars of capacity building are cadres and funding, all respondents to the questionnaire except the SPLM and NCP have negatively responded to a question about their ability to fund the forthcoming elections campaign. The scarcity of financial resources could negatively affect their parties' ability to provide sufficient training for their cadres. Although not included in the questionnaire, one of the respondents told me that most of opposition parties can not even hire a fulltime secretary. In contrast, the signatory parties who fill most of the legislative and executive bodies have a better chance to train their cadres on administrative affairs. According to an open question of the questionnaires regarding how the signatory parties could influence the results of elections, most of them highlighted the free hand on state resources available to the CPA signatories. Although such kind of behavior is prohibited by most of constitutions and electoral laws, most of the governing parties in Africa are reported to utilize state resource for their respective party's interests.

2. The Choice of the Electoral System and its Impact

A considerable number of political scientists have argued about the issue of the choice of electoral system and its impact on election results. The NCRC, which was created according to the CPA in order to draft a constitution and laws, after consultation with political parties has finally submitted a law to the Council of Ministers which was then approved by national assembly on July 7th 2008.

Focusing on the National legislature's elections, the electoral system is a mixed system which allocates 60% of the seats by geographical representation, while it gives 40% to proportional representation (PR). However, the 40% of PR is divided into 25% for the women list and 15% for party list. Could we consider this formula as the one which ensure representations? Arend Lijphart strongly recommended the PR system should not only be adopted for ethnically fragmented societies, but also for all democracies because it is representative more than majoritarian or plural systems. In *Patterns Of Democracies*, Lijphart gave empirical evidence from 38 democracies concluding that the PR system in most cases is not just representative, but he went further to say that it is also good in terms of functionality.

What is important for us is that the PR is more representative than the majoritarian model. It is thought to be workable in post-conflict areas because it is more consensus oriented than a pure majoritarian model. Responding to this dominant assumption, the NCRC after consultation with political forces applied the mixed electoral system. Moreover, the law specified the quota for women which was stipulated by the CPA and reconfirmed in the INC. Now women have 25% of the seats allocated for

legislative assembly at all levels. This is also a new development which could have positively been evaluated. However, the opposition parties have voices reservations about the electoral law in general, and the issues mentioned above.

Referring to the political parties memo sent to the president of the republic, various media reports, and the reservations raised by a bulk of opposition parties found in the questionnaire, we can summarize them as follows: first, the proportion of the seats for PR should be 50/50 rather than 60/40; second, the 25% allocated for women should not be in separate list, but it should be embodied in the party list; third, the 4% minimum votes to secure seats in the Legislative assembly is not appropriate; fourth, the independence of the NEC should not secure; and fifth, the refugee issue and the demarcation of constituencies is problematic. Most of the opposition parties claimed that the 40% allocated for PR is insufficient. Although this is the highest in the country's electoral history, probably the anxiety about the women separated list led these parties voicing reservations regarding the law. They have therefore focused on the separate list allocated to women as an issue of concern.[22]

Taking into consideration that most of the parties have not generally opposed the idea of specifying a quota for women, it is clear that their fear is the great advantage that the quota may indirectly provide to the NCP. This is understandable observing the support the state has provided to the Sudanese Women's Association and other similar groups all over the country. For example, the organization is thought to be active in most of the regions and due to Dr. Elhaj Hamad (the general executive of Social And Human Development Consultative Group [SAHDCG]) has played an important role in mobilizing poor families in both urban and rural areas during the last 20 years through its Community Based Organizations (CBO). The Sudanese Women's Association with its strong link with the NCP (the current president of SWA is the deputy secretary of women affairs in the NCP) thus could help the party to gain votes of women because of the services they have been providing them with. Dr. Hamad has stated that a considerable amount of financial resources is embodied in the general budget but mostly goes to the NCP affiliated organizations (interview with DR. Elhaj Hamad in Augast 2008 and phone calls in November and Dec 2008).

The benefits of quota based electoral systems has yet to materialize in many countries where it has been pushed though democracy itself has not yet laid its roots. The separate list for women, although it should be supported by parties from a gender perspective, could have different meaning especially for women in the rural areas. As Dr. Hasan El Turabi has criticized, 'this weak PR will minimize the chances of program based parties'.[23] This is because in contrast to the position that NCP affiliated organizations enjoy, opposition parties could face many difficulties to put forth a separate

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[22] 6 July 2008 03:27, BBC Monitoring Middle East.
[23] Personal interview with Dr. Hassan El Turabi, Khartoum Sep 17 2008.

women's list which the electorate can expect to be rewarded for voting for.

As a conclusion to this section, I would argue that the power-sharing arrangements incorporated in the CPA and believed to work as a guarantor for the implementation of the agreement, have at best partially achieved their goal as they have not ensured a substantial position for the SPLM in the various levels of government.

V.   Conclusion

Any peace agreement is a product of concessions. The contents of such concessions differ from case to case due to various reasons. This is acceptable when the issues that have been largely compromised to the wishes of one or another partner are not at the heart of the root causes of the conflict. However, when root causes of the conflict are not adequately addressed, recurrence of conflict, or the breakout of a new one is likely to be occur.

If we allow ourselves to depart from the assumption that the CPA set out compatible goals, settling the conflict in Sudan as well as establishing a democratic system for governance as stipulated in framework of Machakos Protocol (Preamble and Article 1.1-1.5), substantial evidence given in previous chapters supports a contrary line of thought. Results from the interviews and questionnaires have shown that the non-signatory parties to the agreement are largely dissatisfied with the consequences of the agreement and its impact on the process of democratic transformation. Respondents argue that these dissatisfactions are caused mainly due to the exclusiveness or at best under-representativeness of institutions put in place by the CPA. I summarize their specific comments on this around the following three issues: the inability of the current system to reflect parties' reservations and views in the interim national constitution; the failure of the GONU to remove restrictions on freedom of expression, assembly and association; and lastly, anxiety about the ability to contest free and fair elections due to these restrictions.

Viewing the peace efforts since independence, this paper reveals undesirable findings for advocates of democracy. The Authoritarian regimes in Sudan seem to be more successful than their democratic fellows in the context of peace. This finding might best explain why democratic transformation has not been promoted after peace agreements in Sudan. I have already explained in section II that both the Addis Ababa peace agreement and the CPA have contributed to the survival and persistence of the former regimes and it is not rational to expect that survivors would again expose their regimes to an environment where they might be replaced.

Observations on the performance and actions of SPLM leadership substantiate the movement's inefficiency and unwillingness to urge GONU to push the process of democratic transformation. There are many reasons that explain its inefficiency. First, the

SPLM is exposed to massive pressure from various constituencies in the South to work for separation. This fact is clear in its leaders' statements and explicit expressions of the movement's commitment to separation. Some might ask, why the SPLM? Why should it not be the NCP that should push for democratization? To answer this question, we have to bear in mine two facts.

First, since the rise of the conflict South Sudan has never reached a level of unification under one movement as it has today. In most elections in the past, southerners were either divided under many parties and individuals, or elections did not take place for security concerns. South Sudan today, albeit not declared yet, is thought to be allocated more than 25% of the constituencies for national elections. Adding to its control of the South, SPLM enjoy considerable support in the North and the 3 areas of Abye, South Kordufan, and South Blue Nile. Therefore the SPLM is relatively relaxed about elections as it has secured constituencies. The second fact is that the North is divided into many political actors, so the NCP cannot easily secure a majority within free and fair national elections. It is natural then that the NCP is more reluctant to pursue elections in a free and fair manner than SPLM. For the SPLM, even if it is defeated in national elections, if it manages to secure a majority in the South Sudan Legislative Assembly, it can change its strategies and focus instead on the regional arena.

Although it has a bigger chance to win the election than its partner in the GONU, the SPLM preferred to compromise its role in the promotion of democracy and democratic transformation in order to allow its partner to survive. If all is lost for the NCP, as Abdalwahab El afandi warned, the NCP will withhold its commitment to peace and threaten the stability of the whole country. This is the worst scenario, and that which the SPLM is trying to avoid by sacrificing democratic transition in the near term.

As a major finding of my research, I argue that the two parties are allowed to persist and continue their control of both parts of the country as a reward for achieving and maintaining relative peace. Moreover, democratic transformation is welcomed by each party only if it can predict and benefit from its consequences. The concession of guarantees in the CPA has not led to actual realization of these guarantees nor has it secured or even necessarily promoted democratic transformation. I believe therefore that my hypothesis as laid out in the first section has been demonstrated and substantiated by adequate evidence that the CPA succeeded to settle the conflict but only because it at the same time compromised democratic transformation.

Appendix: Chronological Events and Political Parties

1. Chronological Events

1956	Independence of Sudan
1955 – 1972	The first civil war

1958 – 1964	The first military coup
1965 – 1969	The second democratic governments
1969—1985	Numairy Military government
1983 – 2005	Second civil war
1985 – 1986	Transitional Military Council
1986 – 1989	Third democratic government
1989 – 2005	The Bashir Military government
Dec 1999	The conflict inside the NCP(the ruling party)

2. Peace Efforts

March 1964	The Khartoum round table conference
Feb 1972	The Adis Ababa Agreement between Numairy regime and the SSLM(South Sudan Libaration Movement)
March 1986	The Kaka Dam Declaration
November 1988	The Sudanese Peace Initiative (DUP/SPLM Initiative)
1994	The IGAD(Inter-Govermental Authorities on Development) Peace Talks
1997	The Khartoum Peace Agreement between the Government Of Sudan and the SSIM(South Sudan Indipendence Movement)
2002	The kick off of the peace talks in Kenya
July 2002	The signing of Machakos protocol on principles
	The signing on the Security Arangement Agreement
2004	The signing on the protocol on power sharing and wealth sharing
July 2005	The signing on the Interim National Constitution
9 Jan 2005	The signing of the Comprehensive Peace Agreement (CPA)
July 2005	The establishment of the Government of National Unity (GONU)
July 31 2005	The Death of the leader of the SPLM/A John Garang
Feb 2007	The Political Parties Act
Oct 2007	The dispute between the SPLM and NCP which was resulted on the withdrawal of SPLM ministers from GONU
April – May 2008	The fifth National Census for housing and population
July 2008	The National Assembly passes the National Election Act

3. Scheduled Main Events

July 2009	General elections
2011	Referendum on Independence of the South

4. Main Political Parties

Party	Establishment	Name of leader

Umma party	1946	Sadig Al mahadi
Democratic Unionist Party (DUP)	1945	Mohamed Osman Al Merghani
National Conference Party (NCP)	1997	Omer Hassan Ahmed Al Bashir
SPLM	1983	Selva Ker Madet
PCP	2000	Hassan Alturabi
Communist Party	1946	Mohamed Nugud

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