Sudan Conflict Vulnerability Analysis

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I. EXECUTIVE SUMMARY

A. Introduction

After two decades of devastation, lost opportunities, and chronic humanitarian emergency, there is tangible progress toward peace in Sudan, but peace is by no means certain. The peace process represents a promising opportunity, but critical challenges remain in shaping a USAID assistance program to help establish the basis for a just and durable peace. During the three-year integrated strategic plan period, regardless of whether or not a peace agreement is signed, USAID must be prepared to respond effectively, flexibly and creatively to scenarios ranging from peace to all out war, including the prospect of continued instability.

The purpose of the Conflict Vulnerability Analysis (CVA) is to provide a concise analysis of conflict-related issues and their relationship to the USAID assistance program, emphasizing actionable recommendations in response. In particular, the CVA provides the following:

1. Analyses that explain the likely sources of violent conflict in Sudan and the circumstances that may cause it to erupt.

2. Recommendations that assist the Sudan team, the governance authorities in Sudan, and major donors active in Sudan to:

    a. Design, modify, or implement programs (especially those geared to sustaining any national peace settlement) that more effectively promote national and inter-communal reconciliation, and prevent outbreaks of violent conflict and war crimes against civilians;
    b. Consider social, political, economic and environmental aspects of programs so that existing tensions are not exacerbated (do no harm);
    c. Strengthen local capacity to promote grassroots peacemaking and resilience to future conflict.

The CVA considers the varying risks and opportunities in the main geographic regions (including the transition areas[1], garrison towns, marginalized and peripheral areas in the north, such as Darfur, stable and unstable regions in the south, and cross-border and international dimensions). Also, the CVA takes into account USAID programs in three focus areas – food security, governance, and basic social services – and the special objective that prepares for peace in Sudan and responds to special opportunities to support peace. Given that the root causes and history of conflict in Sudan have been widely reported, this assessment does not provide much background information.

The analysis builds on recent analyses, particularly the "Peace and Conflict Mapping Exercise" undertaken in southern Sudan as part of the design phase of the USAID-funded Sudan Peace Fund (December 2002) and the OTI Southern Sudan Assessment Report (October 2002). A member from each of these assessments participated in the CVA. Overall, the CVA Team included USAID staff from Africa Bureau's Office of Sustainable Development (AFR/SD), Africa Bureau's Office of Development Programs (AFR/DP), the Bureau for Economic Growth, Agriculture and Trade (EGAT), the Office of Democracy and Governance in Democracy in the Bureau for Conflict and Humanitarian Assistance (DCHA/DG), and the Regional Economic Development Services Office for Eastern and Southern Africa (REDSO/ESA). In addition, an implementing partner (Pact) participated.

This assessment is based on fieldwork in Khartoum and in a number of locations in southern Sudan, along with document review and interviews in Washington D.C. and Nairobi, Kenya. Although the team met with a broad spectrum of stakeholders, the CVA Team did not interview

[1] Transition areas refer to Abyei, the Nuba Mountains, and Southern Blue Nile. Transition areas also used to refer to southwestern Kordofan, southern Darfur, and northern Bahr el-Ghazal.

representatives of the Government of Sudan (GOS) and interviewed only one representative from a northern opposition party.

B. Issues

The Government and SPLM/A face internal and external pressures for change. These pressures, which will only increase upon the signing of a comprehensive peace agreement, could generate processes for political liberalization and a widening of political space. They could also overwhelm existing institutions and lead to their fragmentation or collapse. How these conflicts and demands for reform are addressed will have long-term implications for sustaining peace and for democracy and governance in northern and southern Sudan.

In southern Sudan, peace could lead to a reassertion of older political party affiliations within the Movement. In addition, peace with the north will not necessarily address ethnic or regional fault lines and "silent tensions" within the south, which have often been exacerbated by the displacement of large numbers of persons into the traditional lands of others and by competing livelihood strategies. In the north, the ruling regime is unrepresentative, repressive and corrupt. The traditional political parties remain unreconstructed but retain a wide base of support in parts of the countryside. Meanwhile, new groups have emerged, such as the Beja National Congress in the Red Sea Hill or the Darfur-based Sudanese Federalist Democratic Alliance (SFDA), displaying a readiness and at times an ability to pose a military challenge to the Government's authority. Civil society, severely repressed in the decade following the 1989 coup, has begun to again raise its voice in the north, with traditional associations, some media, and a small but growing set of human rights and women's organizations pressing for greater political and civil rights in both the north and south.

In both northern and southern Sudan, political forces other than the Government and the SPLM have had limited participation in the Inter-Governmental Authority for Development (IGAD) peace process. This exclusion poses a threat to a durable peace, as some of these marginalized parties are capable of undermining any agreement reached. Civil society, particularly in southern Sudan, has mobilized itself to make its voice heard through a variety of civil society forums. A number of regional congresses have increased opportunities to engage in the peace process, particularly among constituencies in southern Sudan. A dialogue needs to be opened among these various forces, including other southern political parties, the political arms of Government-aligned southern militias, and northern opposition political parties.

In addition to linking local level perspectives to the formal diplomatic negotiation process, the processes at the diplomatic level should be better integrated with a variety of local level peace initiatives. Operationalizing peacebuilding requires working at the grassroots level below the formal negotiations. A number of community initiatives have been undertaken, sometimes working with traditional leaders or religious institutions.

Success in the peace process may not translate into improved stability in the north-south transition areas and in peripheral regions of the north. Abyei, the Nuba Mountains, and Southern Blue Nile have an ambiguous and contentious relationship to the north-south cleavage and their status remains uncertain in the peace process. Long simmering conflicts, most notably in Darfur, could erupt into wide scale violence as the Government raises the scope and tempo of its repression of local populations. During the envisioned six-year interim period and beyond, peace in Sudan will depend upon the manner by which marginalized people in all parts of Sudan are incorporated into governance structures and resource allocation decisions.

Any peace deal will have losers as well as winners. A wide variety of actors in Sudan have developed vested interests in violence and predation. Regional actors (such as Egypt, Eritrea, and Ethiopia), cross-border actors (such as the Lord's Resistance Army), militias, traditional political parties, and those benefiting from the war economy, among others, could act as spoilers of the peace process if they perceive peace as undermining their interests. Among the groups with the

greatest potential to derail the peace process are the breakaway factions and militias supported at one time or another by both warring parties. These groups have not been effectively involved in the peace process.

A peace agreement will bring high expectations for programs that have an immediate impact. Failure to manage expectations for a "peace dividend" through an effective communications strategy and failure to plan effectively for realistic results given limited existing capacity could exacerbate tensions. Expectations by key groups such as refugees and internally displaced seeking return or ex-combatants anticipating demobilization and reintegration can be particularly destabilizing.

If the peace process advances or if security increases, large numbers of Sudanese are likely to seek to return to their home territories. Spontaneous and uncoordinated movements might exacerbate physical and food insecurity in the short run. Questions of access to land, water, and other resources between returning displaced and local populations could generate tensions and conflicts unless carefully managed. Southern Sudanese who spent the war in southern Sudan may worry that returning refugees and those who have been living in the diaspora may return with higher educational and technical skills and access to capital, thereby marginalizing those who remained.

Given that inequitable access to resources is one of the root causes of the war, equitable access to international assistance and opportunities will be critical to building peace. Equity may be a function of humanitarian need; capacity and ability to achieve results (particularly with development assistance); timing; and, access. However, during a peace implementation phase there could be localized cases where political criteria rather than just equity-based criteria might be necessary, with resources being targeted at key potential spoilers or key peacemaking constituencies. Overall, equity requires tangible mechanisms for managing information horizontally and vertically, both within USAID and with other donors, implementing partners, and beneficiaries. Over the longer term, it will be critical to redress any imbalances that may arise.

Finally, the 2003-2005 time period will pose a series of challenges to USAID regarding how programs relate to broader U.S. and international policy. Policies are likely to be made in a variety of locations (Washington, Nairobi, Khartoum) and policy coherence will require extensive coordination between USAID and other key actors such as the Department of State, potentially the Department of Defense (if UN peacekeeping is part of the peace process), other donors, international organizations such as the United Nations, IGAD, and the African Union, and international financial organizations such as the World Bank and IMF. On certain critical transitional issues, such as security, USAID will not be the lead actor but will need to maintain communication links and coordinate carefully. Throughout the transition, USAID will need to be aware of key issues of planning, sequencing and timing in order to seize opportunities to promote peacebuilding in Sudan.

C. Summary of Recommendations

- Planning, timing, and phasing are critical for preventing the challenges from outweighing program objectives/ results.
- Enhance information management and dissemination mechanisms
- Consolidate conflict monitoring and peace process tracking
- Prepare strategy to facilitate reintegration of IDPs and promote designation of lead agency
- Engage in cross-line conflict mitigation and rehabilitation activities
- Engage in cross border conflict mitigation and rehabilitation activities w/Uganda, Ethiopia, Eritrea
- Design communication strategy, including the use of radio and other media
- Expand linkages and develop more comprehensive coordination mechanisms between USAID and State offices in Nairobi and Khartoum

- Integrate conflict sensitive approaches across portfolio
- Expand cross-cutting conflict approaches with Basic Education
- Clarify the purpose and linkages of the multiple peace dividends
- Develop natural resource knowledge base for southern Sudan
- Expand interventions targeting youth development
- Promote phased and timed participation of Sudanese in NBI
- Develop transparent criteria for equity
- More fully engage Sudanese authorities at local and regional levels in program planning and implementation
- Engage windows of opportunity for civil society activities in northern Sudan, including consultative processes across different regions
- Continue to promote reconciliation and consultative processes in southern Sudan and Transitional Areas

II. ANALYSIS OF MACRO CONFLICT DYNAMICS AND FLASHPOINTS

A. Background

Sudan has suffered from civil war for 36 of the 47 years since independence in 1956. After a period of civil war led by the Anyanya movement, the Addis Ababa agreement of 1972 brought a decade of peace. In 1983, however, President Jaafar Nimeiri re-divided southern Sudan and later imposed *sharia* law, sparking a new period of rebellion under the leadership of the Sudan People's Liberation Movement and Army (SPLM/A). The military coup that brought the National Islamic Front (NIF) to power in 1989; splits within the SPLM; the use of famine as a weapon; and, widespread violations of human rights and humanitarian law have had devastating results. An estimated two million people died. One-half million have become refugees. Four million are internally displaced.

A conflict as large and as protracted as the Sudanese civil war has multiple, interacting causes. One of the most important struggles in Sudan is that over local resources: water, grazing and especially agricultural land. Access to resources has long been a source of the conflict, from early strife over the Jonglei canal to longstanding conflict over land and grazing in Darfur and the Nuba Mountains, to the more recent conflicts over access to oil. Poor governance, the absence of self-determination, and abusive, non-accountable Government with power concentrated in a small number of elites has driven the war from the start. Systematic discrimination, marginalization, and oppression of southern Sudan are fundamental to the origins of the conflict. Religion is certainly a factor, as a succession of northern-based regimes has attempted to impose their Islamic and Arabic identity on the south. As a result, southerners have unified around an agenda of self-determination, with many of them determined to separate from northern Sudan. Levels of distrust between the north and south are deep and the divisions between the peoples are wide.

After a series of frustrating talks, the peace talks supported by the IGAD saw a breakthrough in the talks at Machakos, Kenya in July 2002. For the first time GOS representatives accepted the principle of self-determination for southern Sudan, though only after a six-year transition period. The talks continue with critical issues still on the agenda, including wealth and power-sharing provisions and the status of three transition areas – Abyei, Nuba, and Southern Blue Nile. The transitional arrangements and the interim institutions to manage the very difficult peace implementation process remain to be finalized.

Given that this represents Sudan's best chance for peace in twenty years[2], Sudan is at a significant crossroads during the 2003-2005 USAID strategy period. A signed and implemented agreement could allow Sudan to finally move beyond historical patterns of war, authoritarian leadership, and humanitarian emergency, toward sustainable peace, development, and democratic rule. On the other hand, the peace process may well collapse, launching perhaps an even deadlier and more violent phase of civil war with dreadful consequences.

B. Peacebuilding and Demilitarizing Politics

If the peace process results in a peace agreement, northern and southern Sudan will enter an interim period marked by multiple, interlinked, uncertain, and difficult transitions. Sudan will need to begin to construct legitimate political institutions to replace the military institutions that dominate both northern and southern Sudan. War-torn societies will need to transform themselves into peacetime societies. This transformation includes such specific tasks as demobilizing soldiers, resettling displaced and refugee populations, coming to terms with human rights abuses during the war, and moving the economy from relief to development.

[2] See International Crisis Group, "Sudan's Best Chance for Peace: How Not to Lose It," 17 September 2002. For analysis of earlier peace efforts see Steven Wöndu and Ann Lesch, *Battle for Peace in Sudan: An Analysis of the Abuja Conferences, 1992-1993* (University Press of America, 2000).

This transitional period of peace implementation therefore will be a period of particular opportunity and risk as local leaders in the north and south and their constituencies assess the relative benefits and dangers of working to sustain peace in a society still polarized and distorted by war and where demagogues and spoilers can capitalize on people's fears and insecurities. The prospects for sustainable peace in Sudan will be shaped as much by the peace implementation processes as by the provisions of the peace agreement itself.

If Sudan reaches the stage of peace implementation, it will start the process with the legacies of war strongly shaping the transitional process. These legacies include the pervasive sense of fear and distrust (particularly in the south) but also a set of institutions that developed in response to the demands and incentives of war. These institutions – including the SPLM, the Government in Khartoum, predatory militias, relief economies, social relations polarized by fear and distrust – will be the key actors in any peace implementation process. If these institutions of war are transformed into organizations that can respond equitably to the different incentives of peace during the implementation period, then the transition has a greater chance of yielding peace. This process of demilitarizing politics entails building a new political and security environment that can encourage the wartime entities to transform themselves into political parties, civil society organizations, open economies, and accountable security forces. The powerful actors that developed during decades of war will not simply disappear. Neither can a peace agreement proclaim into existence the enabling environment for peaceful political competition.

During the peace implementation period, building confidence in the process and reducing fear are critical. How some of these priority tasks are undertaken will shape how the parties perceive the prospects for peace and whether they deem continued cooperation in the process worth pursuing. For example, southern and northern Sudan will need an interim administration to manage public policy during the period leading up to a referendum in southern Sudan. The details of such interim arrangements remain to be determined through the peace talks. To the extent that such an interim administration is inclusive and transparent, it can help build confidence in the peace process. It will create opportunities for political rather than military competition, and provide an institutional context that fosters democratization.

C. Internal Pressures in Southern and Northern Sudan

If the Government and the SPLM/A sign a comprehensive peace agreement, both parties will face internal and external pressures to change. Peace will create pressures for change in the institutions that have engaged in conflict for the past 20 years. These stresses may generate processes for political liberalization and a widening of political space. Alternatively, they may overwhelm existing institutions and lead to fragmentation or collapse. How these conflicts and demands for reform are addressed will have long-term implications for sustaining the peace and for democracy and governance throughout Sudan.

1. Tensions within southern Sudan[3]

Decades of civil war, much of it fought between southern proxy militias fighting on behalf of --and often switching between-- Khartoum and the SPLA, has left southern Sudan full of trauma, distrust, and fear. Although much of this fear is directed toward northern Sudan, there are "silent tensions" within the south that require processes to foster reconciliation among southerners. Dinka-Nuer conflict is an obvious illustration of these pressures. But ethnic and clan tensions, often referred to as "south-south" conflict, exist across the region. Khartoum has often exploited these south-south tensions.

Civil society leaders in the south recognize the importance of south-south peacebuilding, particularly in the context of the larger peace process. Indeed, there have been grassroots efforts at such peacebuilding. The New Sudan Council of Churches (NSCC) has organized and supported a number of people-to-people peace efforts, such as the West Bank Peace and

[3] Refer to the conflict mapping document completed by Pact for the Sudan Peace Fund for specific conflict contexts.

Reconciliation Conference held in Wunlit (Bahr-el-Ghazal) in 1999 that brought together Dinka and Nuer. The NSCC has sponsored a number of similar people-to-people peace initiatives (such as Lilir in 2000) since then[4], including the "South-South Dialogue on Reconciliation and Good Governance" that brought together military leaders from the SPLA and pro-Government militias in Entebbe in December 2002.[5] The USAID-funded Sudan Peace Fund is designed to support these and similar people-to-people peace processes that are critical to fostering reconciliation within southern Sudan.

A comprehensive agreement and the process that could lead to it could likely cause competing pressures within the SPLM and its affiliates to reach the surface. It is possible that peace might lead to a reassertion of older political party affiliations within the Movement and with those affiliated or associated with it.[6] Some allies of the SPLM/A within the National Democratic Alliance (NDA) believe they have been marginalized by the peace process and are concerned that the SPLM seems to be willing to trade off concessions in the north for concessions in the south.[7] If the peace process advances, it is likely that the interests of the SPLM will diverge further from its allies in the NDA (Umma, Democratic Unity Party, Beja Congress, Sudan Alliance Force, and United Sudan African Parties).

According to the International Crisis Group (ICG), "The armed elements in the Nuba Mountains and Southern Blue Nile pushed vigorously for a maximal position regarding referendums for those areas; the largely Nuer Sudan People's Democratic Front (SPDF) fears that the Machakos process has overtaken its merger agreement with the SPLA; a newly emboldened southern civil society is increasingly vocal, including on democratization; ethnic minorities in the south are advocating greater states' rights; southern Sudanese diaspora continues to exert pressure; and the NDA demands a greater role in the talks and the interim arrangements."[8]

Balancing the relative influence of different factions and interests will be challenging and may well spark conflicts, which would complicate the process of establishing an interim regime as part of the peace process (whether it is a southern entity or a government of national unity).

2. Internal Political Dynamics and Evolution in Northern Sudan

The success of the peace process is intimately related to if not conditional on political evolution and reform in northern Sudan. In practice, however, this link has not been made. The outcome of the struggle for political freedom in the north is critical not only for governance and human rights, but also for peace in the south and between the north and south. Challenges to the authority of the regime have often met with arrests and closures, but some victories have been scored. Activists speak of ill-defined "red lines" that trigger arrest when crossed.

The regime has a narrow constituency, has opposition even from within its former allies in the NIF and has broken into two factions, the Popular National Congress led by Hassan al-Turabi and the National Congress Party (NCP) led by the Omar al-Bashir. As a result of this split, Bashir has reached out to various factions of traditional political parties in the north (Umma and DUP) and

[4] Peterson, 68; Sharon Elaine Hutchinson, "Peace and Puzzlement: Grassroots Peace Initiatives between the Nuer and Dinka of South Sudan."

[5] Consultative Statements of the Civil Society Forum (III), "South-South Dialogue on Reconciliation and Good Governance," Entebbe, Uganda, 13 December 2002. See also International Crisis Group, "Sudan's Oilfields Burn Again: Brinkmanship Endangers the Peace Process," 10 February 2003, p. 10.

[6] The SPLM, intent on avoiding the perceived factionalism within the earlier Anyanya insurgency, organized itself more hierarchically with less room for autonomous operations (Douglas H. Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," in Christopher Clapham, ed., African Guerrillas by James Currey, 1998). However, this does not apply to the numerous affiliations the SPLM has struck with other groups.

[7] "Some diplomats believe that the SPLA has forsaken the broader interests of its allies in the NDA – which are focused on the most inclusive and democratic transition process possible – for a partnership with the National Congress Party that reduces potential competition for power." ICG, "Sudan's Best Chance for Peace," pp. 6, 8.

[8] ICG, "Sudan's Best Chance for Peace," p. 12.

breakaway factions from the south. The ruling NCP is fractious and the traditional political parties (DUP, Umma) remain unreconstructed but retain a wide base of support.

The regime in Khartoum is widely regarded as unrepresentative, unaccountable and corrupt but with a sufficiently effective security apparatus to make challenging its power difficult. Many believe that corruption is responsible for the economic crisis and believe that cronyism determines privatization policies. Frustrations are mounting. Middle class professionals are selling personal belonging to make ends meet and a large number of youths remain unmarried because they cannot afford weddings is raising concerns among religious leaders.

A growing segment of northern civil society organizations is beginning to organize and articulate a set of ideas for political change and increasing pressure on the ruling regime to liberalize. Some of these are seen in human rights organizations, such as Khartoum International Centre for Human Rights, the Sudanese Human Rights Group, and the Khartoum Center for Human Rights and Environmental Development, or women's groups, such as those based out of the Ahfad University for Women, the Southern Women's Group for Peace and others linked to the Sudan Council of Churches. Numerous civil society networks have emerged, particularly in the areas of peace and the promotion of women's rights.

From the perspective of some in the north, the peace process is a set of discussions about the future of Sudan that does not include significant constituencies in the north. In addition, some opposition groups within the north that have been allied with the SPLM through the NDA are concerned that the strategy of the SPLM in the peace talks is to reduce pressure for democratization and political reform in the north in exchange for self-determination in the south. The traditional political parties in the north such as Umma and the Democratic Unity Party (DUP) are anxious that peace between the GOS and SPLM will strengthen the current regime's hold on power in Khartoum and leave northern opposition groups more vulnerable. Some, such as those organized in the Sudan First movement, are urging greater democratization as a prerequisite for sustainable peace. In addition, The media is testing the boundaries of criticism. Student organizations are expanding the space for mobilization and debate.

Southerners resident in the north, including two million internally displaced, many of whom live in camps around Khartoum, pose a unique challenge for peace.[9] This is a problem both because of their limited integration in the north and because of uncertainties regarding how a return would work. Groups organized among the displaced are organizing and testing the limits of political opportunity.

D. Marginalization and State Fragmentation in Northern Sudan

Success in the peace process may not necessarily translate into improved stability in the peripheral regions of northern Sudan. Long simmering conflicts, most notably in Darfur, could erupt into wide-scale violence. Beja forces along the Sudanese-Eritrea border have carved out a fragile autonomous zone but their future under the peace process is unclear.

Although the civil war in Sudan is first and foremost a conflict between northern and southern Sudan, marginalization and increasing conflict trends exist in northern Sudan as well. A framework that emphasizes the center-periphery dimensions, which are linked but independent from the traditional consideration of north-south dynamics, could characterize conflict and marginalization throughout much of Sudan. A number of peripheral areas in the north could become the sites of new or previously suppressed conflict even if the peace process manages the north-south conflict. Peace in Sudan will depend upon the manner by which all marginalized people are incorporated and historical inequities addressed.

[9] U.S. Committee for Refugees estimates a total of 4 million IDPs, 2 million in the south, of which 1.4 million are in areas under the control of SPLM/A. See USCR, *World Refugee Report 2002* and The Brookings Institution-SAIS Project on Internal Displacement, "Seminar on Internal Displacement in Southern Sudan," Rumbek, Sudan, November 25, 2002.

1. Conflict in Sudan: Center vs. Periphery

Conflict in Sudan is habitually couched in terms of north against south, Muslim against Christian, Arab against African. The dichotomy between north and south is easy to grasp—the physical, cultural and religious differences between the two areas are stark, present in history and common perception, and reinforced by the rhetoric of the main political actors. Indeed, the current civil war between the Government and the SPLM/A is the most visible conflict in Sudan, and it has resulted in widespread human suffering and social dislocation.

Another view of conflict in Sudan emphasizes the center versus periphery. The 'center,' mostly represented by the landowning and merchant classes of the Nile Valley, is overwhelmingly Muslim and, at least in its own view, Arab. But the 'periphery'—the marginalized peoples of Sudan—are not necessarily southern, or non-Muslim, or even non-Arab. Rather, the common characteristics of these marginalized peoples are that they are rural and poor, engaging mostly in subsistence farming; that they live in mostly remote areas, which they often are forced to leave to seek economic survival elsewhere; that they have access to neither political nor economic power; and, that they have little or no control over the commercial channels that link them to the rest of Sudan, and to the globalized economy beyond it.

Southerners, i.e., the people who hail from the historical southern provinces of Bahr-el-Ghazal, Upper Nile, and Equatoria, make up the most visible majority of the marginalized peoples category. As non-Arabs and (often) non-Muslims, southerners have historically been subject to particular violence and discrimination, including slave-raiding, cultural suppression, and limited access to opportunities for education. But people outside of the traditional south also suffer from systematic and often violent marginalization. Many of these are African, i.e., non-Arab, Muslim peoples, and are found in the provinces of Kordofan and Darfur in the West, as well as in the eastern Red Sea Hills. Marginalized groups in the north also include non-geographically-based people such as the Fellata (19th century migrants from West Africa) or more newly arrived southern displaced populations, or even drought- and economic migrants from Kordofan and Darfur who gravitate toward the social margins of the large cities of the north. Some Arab populations, mainly pastoralist populations—Baggara, Rizeigat, Kababish and others in the west, even Rashaida in the east—are also marginalized and impoverished.

2. Anti-Periphery Policies

Since independence, successive Governments in Khartoum have, with varying degrees of violence and single-mindedness, sought to advance the interests of the Nile Valley elites—large merchants and small *jallaba* traders, landlords and landed farmers, administrators and bureaucrats, army officers, and members of the security forces—at the expense of local, rural populations elsewhere in the country. The preoccupation with the interests of the center has translated into policies that have, over the decades, retained remarkably consistent features:[10]

- *Land grabbing*: One of the most important struggles in Sudan is that over local resources: water, grazing, and especially agricultural land. The Sudanese state has relentlessly furthered its claim and the claim of its more powerful constituents to the land of local communities. In the process, rural peoples have been dispossessed of their customary lands and deprived of their independent livelihoods. The result has been immiseration, displacement, food insecurity, and further political weakness. Elites have often relied on the law as a central tool for land-grabbing. Nearly 35 years of land-related legislation, starting with the *Unregistered Lands Act* of 1971 which conferred ownership of all non-registered customary lands to the state, have systematically undermined the control of poor rural communities over their land. One of the main outcomes of the land-grab have been predatory mechanized farming schemes that expropriate local communities, reduce them to unreliable wage labor, and move on after a few harvests when the land is exhausted.[11]

[10] In many cases, these policies have historical antecedents in the policies of the central authorities under the Turco-Egyptian régime (1820-1881) and (in fewer instances) even in certain colonial policies of the Anglo-Egyptian Condominium.
[11] Please refer to the attachment on "Land Legislation in Sudan – An Overview."

- *Lack of development*: The Sudanese state has consistently failed to invest in development that focuses on the marginalized peoples and areas. That includes lack of investment in support to subsistence agriculture, lack of investment in social services in the periphery, and lack of investment in simple and effective counter-famine measures (e.g., an all-weather road to western Sudan and effective grain-price stabilization mechanisms). Over the years, the socio-economic situation of the marginalized peoples has grown worse.

- *Manipulation of relief*: The Sudanese state manipulates relief to further marginalize and undermine the peoples of the periphery and to forward the interests of its supporters such as large grain producers in the east, merchants and transporters, and religious organizations, urban populations in general, and southern militias. The Government will delay the declaration of an emergency or restrict access to affected populations, or will focus assistance on populations in the Nile Valley and the main towns.

- *Repression through administrative reform*: The Sudanese state further marginalizes the peoples of the periphery by re-drawing administrative borders to break up local power bases (as was the case with the constitutional amendment that re-drew the state (*wilaya*) boundaries by presidential decree in 1994), by removing, co-opting and manipulating traditional leaders and administrators, and through fiscal measures that place the burden of service delivery on cash-strapped state Governments with brittle tax bases. Little actual authority is actually given to local and regional administrative bodies.

- *Active repression*: Over the decades, the security services of the Sudanese state have engaged in sustained violent repression of the marginalized peoples. At times they have targeted important individuals in the community (traditional leaders, local traders, teachers, health workers and other educated people) with intimidation, abuse, or death. At other times, they have targeted entire communities or regions, as has been the case in the anti-Nuba *jihad* of the 1990s. The security services have also targeted dissidents of traditionally non-marginalized groups.

- *War mongering and military exploitation of marginalized peoples*: Successive Governments in Khartoum have also encouraged violence among marginalized peoples, either for the benefit of the Government, or simply to pit marginalized peoples against each other. Since 1985, an increasing majority of recruits in the Sudanese armed forces are southerners and westerners, many from Darfur. In the Nuba Mountains, the NIF Government has encouraged the formation of Nuba popular defense forces which have led to extensive Nuba-on-Nuba violence. And of course, both the Sadiq al-Mahdi and the NIF Government have consistently armed nomad groups, themselves marginalized within Sudanese society, to raid and kill non-Arab communities in western and southern Darfur (Massalit and Fur), northern Darfur (Fur, Zaghawa and Daju), Abyei (Dinka), the Nuba Mountains (Nuba) and into southern Sudan.

Since it seized power in 1989, the NIF has pushed forward an especially aggressive agenda vis-à-vis the peoples of the periphery: the war in the south, the wars in the Nuba Mountains, Beja-land and Darfur, targeted repression and the arming of militias, the increase in mechanized schemes and the many discriminatory legal and executive measures it has taken against the interests of the remote rural populations, including imposition of *sharia* law and imposition of Arabic as the language of education and official business. But these actions, however brutal and repressive, do not in fact represent a shift in policy with respect to the actions of prior Governments in Khartoum. Rather, NIF policies represent a shift in intensity and efficacy. The control of the present central Government over Sudanese society is unprecedented, as is its ability to mobilize resources and focus violence against the marginalized peoples of the periphery.

In addition to the situation in the so-called transition areas (Abyei, Nuba Mountains and Southern Blue Nile, reviewed elsewhere in this report), the NIF Government is pursuing policies of active and passive marginalization in Darfur and the Red Sea Hills (Bejaland).

3. Darfur

Darfur holds a special place in Sudan's historical landscape. Darfur is the seat of one of the more powerful indigenous states of the Sahel (the Dar Fur sultanate), that the British only subdued in 1916. Darfur is the birthplace of the *Mahdi* Abdallah ibn Mohammed and the base of his spiritual and military power. It is a nexus of tribes, trading routes and ecosystems at the very center of the African continent. For all these reasons, Governments in Khartoum have long eyed Darfur with distrust. The region is often seen as a strong centrifugal force in Sudanese politics, and indeed many observers have pointed out that Darfur would have a strong claim to self-determination.

Yet, modern Darfuris have not really organized along such broad lines. The political expressions in Darfur are couched mostly in tribal identities – Fur, Massalit – and seem to be reactive to the violence wrought on them by the central Government. Only in the course of the last couple of years has a more organized form of resistance emerged with the forces of a former Umma Party politician and former governor of North Darfur, Ahmed Ibrahim Diraige, who has over the years argued for a working federal solution to the problems of Sudan.

Conflict in Darfur occurs at several levels, but the three main manifestations are:

- The everyday violence of exclusion which leads to political irrelevance and destitution: An example of this is the division of Darfur into three separate states (*wilayas*) by presidential decree in 1994. This did nothing to forward the weight of Darfur in the federal state as there is no upper chamber in the Sudanese political structure. But it did dilute the power of the most important ethnic group in Darfur, the Fur, and has generally made it easier for Khartoum to impose its rule on Darfur. The Government has also interfered with local chief structures, replacing Massalit, Fur, and other non-Arab *sheikhs*, *omdas* and *amirs* with Arab chiefs.

  Another example of passive violence is how the Government handled the 2001 food crisis in northern Darfur. Successive Governments in Khartoum have failed to take the adequate long-term measures (e.g., all-weather roads, price stabilization mechanisms) to ensure improved food security in vulnerable areas of the west. In early 2001, despite early warnings from both Government agencies and international agencies, the Government failed to declare an emergency, thereby stalling both its own resource mobilization and that of international donors, who are for the most part dependent on Governmental acknowledgement of an emergency to be able to commit funds. When the Government finally did recognize the problem, donors turned to a key Government constituent, Nile valley merchants, to buy surplus grain.[12] The result was that relief in Darfur came too late to preserve the livelihoods of the periphery, while the merchants, traders, transporters and bureaucrats at the center – all key constituents of the regime -- thrived.[13]

- The arming of Arab militias that raid and loot local populations: A number of non-Arab groups in Darfur have undergone tremendous violence at the hands of local Arab militias armed, encouraged and protected by the Government. This violence includes the burning of villages and crops (often just prior to or at harvest, in order to maximize food insecurity), the murder of targeted individuals (leaders, traders, and teachers), and civilians in general, looting of animals, and abductions. Of particular note are Rizeigat militia attacks in Dar Massalit (western Darfur) of which there are numerous reports; Bani Hussein attacks on Zaghawa and Fur; and others.

[12] [This they do at higher prices than would have been possible had the grain been purchased when the food gap was first identified at harvest time. Owing to the growing emergency in Darfur and to difficulties such as rains and competition for trucks from the military and the oil sector, donors signed transport contracts at a premium with another key Government constituent, transporters. When these trucking contractors fell behind on their delivery schedules, donors signed airlift contracts with air transport companies, many of which are known to be controlled by the same interests that control the grain brokerage and the trucking. CONSIDER DELETING]

[13] Based on Save the Children (UK): "Save the Children (UK)'s Response to Drought in North Darfur, 2000-2001" August 2002.

- Tensions between different ethnic groups over dwindling resources: These include the bloody conflicts over grazing, water and rights of way between Berti and Meidob North of el Fasher and between Zaghawa and Fur on the northern slopes of Jebel Marra.

Many observers note that ethnicity, while an important aspect of culture in Darfur, has not been a traditional motive for conflict and exclusion. There have certainly been instances of violent competition over resources in the course of history. But tribal identity and structures have more often than not offered mechanisms to resolve conflict, and it is not at all uncommon for families and communities of one ethnicity to be adopted by another. One author thus states that "the current conspicuously polarized and antagonistic ethnic stand [of Arabs and Fur] is more a product of the war than a cause of it."[14]

The policies of NIF Government, combining willful economic neglect and active war-mongering, are planting the seeds for conflict in Darfur for years to come. In the course of the last year, the NIF Government has intensified its campaign against local populations throughout Darfur, and particularly in the more remote areas of western and northwestern Darfur. Clashes between Massaleet, Fur, Zaghawa people on the one hand – as well as Tunjur, Tama, Birgid and others – and security forces and Arab militias on the other, have increased in pace and in scope.

Of particular concern is the situation in Dar Massaleet in West Darfur. There, the Government has manipulated local tribal administrative structures to increase the power of local Arab headmen (*sheikhs*) while undermining the status of the Massaleet Sultan (traditionally the Sultan, based in the West Darfur state capital Geneina, has ruled over Arab and Massaleet *sheikhs* alike in relative harmony). These moves resulted in Massaleet restlessness which has met with brutal repression. In rural areas, numerous reports have come through of burned and looted villages, group murders and disappearances, stolen livestock and destroyed crops, and arbitrary arrests. The latest reported atrocity occurred when Arab militias attacked the village of Mulli, 15 km south of Geneina, on April 27th, 2003 killing 55 and injuring 53. Local inhabitants say that Sudanese security forces has previously swept the area, confiscating weapons and leaving the Massaleet communities unable to defend themselves.[15] Peaceful demonstrations in urban areas such as Geneina and Nyala have also been brutally put down.[16]

The last year has also witnessed the emergence of new anti-regime actors in Darfur. The Sudanese Liberation Army/Movement (SLA/M) is seen as a successor movement to Ibrahim Diraij's Sudan Federalist Democratic Movement (SFDM). The SLA/M has reportedly managed to bring together otherwise feuding Fur and Zaghawa, showing the extent of local animosity toward Khartoum. At the end of April, the SLA/M reportedly raided el-Fasher town and airport (North Darfur), abducting a Sudanese general and damaging aircraft and helicopter gunships based there.[17] New Massaleet groups are also making an appearance. Another group, the Movement for Justice and Equality, described as a splinter group of Hassan al-Turabi's faction of the NIF, is also said to be active in Darfur. After years of simmering conflict, much of it communal violence engineered by the NIF Government, Darfur seems to have become a fulcrum of violent opposition to Khartoum. The conflict, and Government measures to suppress the SLA/M, is leading to strains on the already fragile food security situation, particularly in North Darfur.

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[14] Mohamed Suliman, "Ethnicity From Perception To Cause Of Violent Conflicts: The Case Of The Fur And Nuba Conflicts In Western Sudan," Institute For African Alternatives (IFAA), London, UK, 1997.

[15] FIDH – Fédération internationale pour les droits de l'homme (International Federation for Human Rights) press release: "Soudan: Situation alarmante pour les droits de l'homme dans le Darfour, 55 tués dans le village de Mulli," Paris, 30 April 2003.

[16] Amnesty International press release (ai index: afr 54/026/2003 (public) news service no: 104): 28 April 2003. (AI gives April 23 as the date for the attack on Mulli village.)

[17] AI press release, 28 April 2003. See also Movement for Justice and Equality Press Release No. 5: "The Battle for al-Fashir" translation courtesy of the South Sudan Review. The abducted general was reportedly interviewed by al-Jazeera TV.

4. Red Sea Hills

The armed resistance of the Beja – a Muslim, non-Arab people of the Red Sea Hills in northeast Sudan -- is more recent than that of other marginalized peoples. The Beja Congress joined the NDA in 1995. The Beja have been a particular target of the NIF's 'comprehensive call' (*ad-da'wa ash-shamila*), which is in essence a flexible policy framework that the NIF uses to impose its vision of Islam on Sudanese society. The comprehensive call promotes what it calls Islamic Social Planning on fully Muslim peoples of the north – such as the Beja – whose views and practice of Islam are not in keeping with those that the Government feels are appropriate.[18] The intrusion in Bejaland of Government agencies seeking to promote Islamic social planning as part of the comprehensive call was acutely resented by the local Beja. It is seen as one of the reasons the Beja leadership decided to join the armed opposition. Since then, Beja fighters have conducted hit-and-run operations on Sudanese Government targets, and even succeeded in liberating a small swathe of territory on the Eritrean border.

E. Transition areas: Abyei, Nuba Mountains, Southern Blue Nile

The three transition areas (also called 'contested areas' or 'disputed areas' or 'interface areas') of Abyei, the Nuba Mountains and Southern Blue Nile share common features.

- In all three areas, substantial sections of local society identify with the southern struggle for self determination, and regional leaders have joined the SPLA in taking arms against the Government.
- Natural resources (oil, water, agricultural land, seasonal grazing, and minerals) make all three regions important prizes for whoever controls them.
- All three have witnessed sustained violent conflict between the Government and SPLA.
- As a result of war, displacement, security, access to natural resources, especially land, and markets are all critical issues to the population of the three areas, and any comprehensive peace settlement will need to address them in a sustainable manner.
- All three areas include sizeable areas that are under the military and administrative control of the SPLA, and have remained consistently so for over a decade.
- Yet, all three territories lie north of the administrative boundaries that separate northern and southern Sudan.

This creates an awkward situation, politically and legally. Politically, any peace settlement that does not address issues specific to the transition areas will be neither comprehensive nor sustainable. Legally, the Government has at times argued that the transition areas should not be part of the current peace talks, as the IGAD Declaration of Principles and the Machakos Protocol of July 2002 refer to North–South conflict. On both the political and the legal fronts, addressing the nature of administrative control in the transition areas during the six-year interim period foreseen by the Machakos Protocol will be necessary and difficult. Beyond their similarities, the three areas have their own specific dynamics. Whatever solutions the negotiators manage to work out in Kenya are unlikely to apply to all three areas uniformly – in fact, there is already much speculation as to which 'trades' the Government and the SPLA may reach agreement.

1. Abyei

Abyei and its hinterland have been part of Kordofan, rather than Bahr-el-Ghazal, since around 1952 when the chief of the Ngok Dinka, Deng Majok opted to keep the town in the north in the run-up to independence. This decision was rooted on the relations of historical good neighborliness that existed between the Ngok Dinka and their northern counterparts, the Arab Misseriya Homr, and the benefits that Ngok leaders saw in remaining with the north. But the limits of being southerners in independent Sudan quickly became apparent given discrimination and repression. The Anyanya I war found many Ngok Dinka involved in the southern cause. When peace came, the 1972 Addis Ababa agreement promised the people of Abyei the right to self-determination through a referendum.

[18] African Rights: *Food and Power in Sudan: A Critique of Humanitarianism*, London, 1997: pp. 191-193.

The current conflict has been particularly violent around Abyei, with historical tensions between the Homr and the Ngok have become polarized and exacerbated by the political conflict between the north and south. The dispute has reportedly gone beyond mere competition for scare resources such as access to pasture and water, and now centers around the ownership of the land. Abyei town itself has remained under the control of the Government throughout the war, while the SPLA controls much of the rural county (five payams). The conflict has led to massive displacement of Ngok communities, the resettlement of Arab Missiriya groups in their stead, and repeated bouts of acute famine of which the local Dinka have borne the disproportionate brunt. Politically, the Ngok argue that they cannot be separated from their more southerly kin (large groups of Ngok Dinka also live in Upper Nile and Bahr al-Ghazal). Ngok Dinka occupy positions of senior leadership in the SPLM/A. Any comprehensive peace settlement that fails to address the Abyei question is unlikely to be successful. These matters to be addressed include self-determination, land ownership, the return of displaced people, among others.

2. The Nuba Mountains

The peoples of the Nuba Mountains of Kordofan are among the more marginalized populations of Sudan. The single contentious political issue has been the lack of control of rural communities over their land. Starting in the late 1960s, the establishment of predatory mechanized farming schemes benefited outside landlords while undermining local rural peoples' livelihoods. By the mid 1980s, many Nuba communities were unable to maintain their traditional livelihoods. This, coupled with the arming of local pastoralist militias by the Government of then-Prime Minister Sadiq al-Mahdi, ignited violent conflict in the Nuba Mountains.

The conflict brought a new pace to the old patterns of political exclusion and economic isolation and cultural suppression. Government troops and militias implemented a brutal counter-insurgency campaign predicated on massive population displacement, aggressive scorched earth policies and a complete blockade of mountainous SPLA-controlled areas. A majority of the population in the Nuba Mountains became displaced, either by the conflict or through forced Government resettlement schemes. Communities were unable to effectively farm their traditional lands and were cut off from traditional markets. Food insecurity became acute in this traditionally grain-surplus area. The very notion of Nuba identity came under attack.

In the last year, however, Nuba has taken on a central significance in the search for peace in Sudan. In January 2002, the SPLM/A and the Government signed a ceasefire agreement in Switzerland, which has held since, monitored by a Norwegian-led observer force. The ceasefire has brought tangible improvements to the quality of life in the Nuba Mountains, mainly increased access to land and markets, and an increasing sense of freedom and self-confidence. These improvements notwithstanding, the main humanitarian consequence of the war – displacement – still prevails. People remain displaced, especially within the Nuba Mountains, often mere hours' walk away from their settlements of origin– whether in the forced settlements on the Government side, or in the mountains on the SPLM side. Enduring fears of insecurity and intimidation, particularly regarding Government police and militias and the presence of perpetrators of past abuses in areas of return, are the main obstacle to return, not lack of services.

Despite its achievements, the ceasefire does not address the root causes of the conflict – land ownership and political exclusion. The SPLM/A leadership in the Nuba Mountains is adamant that sustainable peace in the Nuba Mountains will only come when these issues are addressed. The SPLM/A governor of Southern Kordofan and military commander of the region, Abdelaziz Adam al-Hilu, is considered one of the SPLA's most effective front-line commanders.

3. Southern Blue Nile[19]

Blue Nile State is part of northern Sudan, even though two of its southernmost districts, Yubus and Chali, were once part of Upper Nile (and were therefore 'southern') before being transferred to Blue

[19] Also know as Funj, after the collective identity of the varied African groups that inhabit the areas, or, incorrectly, as Ingassena Hills.

Nile province in the 1950s. Nevertheless, the common heritage and identity of the various peoples of Southern Blue Nile, known collectively as Funj, is clearly African. And while Southern Blue Nile did not become embroiled in the first Anyanya uprising, the area has been the scene of violent conflict since 1985. Successive Government counter-insurgency campaigns have led to the destruction of hundreds of villages, as well as widespread displacement. Currently, most of the state's southern reaches are under SPLA control, including the town of Kurmuk.

The peoples of Southern Blue Nile suffer from many of the same problems as the Nuba people: a history of political and economic exclusion, encroachment on their customary lands by mechanized agricultural schemes and war-induced displacement. The area's fertile land and the minerals that lay within it, as well as the presence of a large hydroelectric dam at Roseires (Damazin) that provides electricity to Khartoum and the Gezira, confer Southern Blue Nile its strategic value.

Both the SPLM/A leadership in Funj and the local civil society are clear in their rejection of being left part of northern Sudan. The SPLM/A commander and governor of Southern Blue Nile, Malik Agar, is considered one of the SPLA's best. Cdr. Agar has joined his Nuba colleague, Cdr. Abdelaziz, in making clear his determination to resist any settlement that does not address the issues specific to Southern Blue Nile, including through a return to hostilities.

4. The Transition areas and the Peace Negotiations

The leadership of all three transition areas have made it clear that they will not accept a peace settlement that does not provide for special administrative arrangements during the six-year interim period mandated by the 2002 Machakos Protocol, and the option of self-determination for their people at its conclusion. This will be very difficult for the Government to accept. Because of this, the transition areas have emerged as one of the central stumbling blocks in the current peace process.

Currently, direct negotiations are planned for the three areas, not as part of the mainline talks, but as parallel negotiations. An earlier attempt at jumpstarting negotiations in January 2003 failed. Observers at the current negotiations (which resume at the time of writing in early March 2003) stress that the transition areas remain an issue so critical that it could determine the success or failure of the overall peace process.

F. Limited participation and limited confidence in the peace process

The peace process focuses on ending large-scale war between the Government and SPLM/A. These two actors are critical to peace and the challenges of reaching an agreement between these two are tremendous. Without this step, first both in priority and sequence, it is difficult to imagine progress on other issues relating to peacebuilding. It is also true, however, that a peace agreement between the regime in Khartoum and the SPLA will only be meaningful to the extent that each group represents broader constituencies. Agreements in the past often have failed to create the basis for sustainable peace when a change of Government ignored the provisions agreed by an earlier set of leaders.

A wide range of civil society organizations have expressed unease or distrust of the IGAD peace process and expressed their sense that they had not been consulted adequately. In some cases, civil society organizations in both the north and south have mobilized to demand a greater voice (a healthy sign of growing political space). In August 2002 Sudanese Church leaders met to discuss the Machakos Protocol and issued a declaration that noted the "gaps, contradictions, and ambiguities" in the Protocol and urged that "the view of the Sudanese civil society be fully represented" in the negotiations.[20] The November 2002 Kampala Declaration of the Nuba Mountains, and more importantly the All-Nuba Conference that brought together Nuba from living in both Government and SPLM/A areas for a three day congress in December 2002, and South Blue

[20] "A State of the Sudanese Church Leaders on the Machakos Protocol of 20th July 2002," Kampala, 2 August 2002.

Nile Civil Society Forum presented a range of ideas on power-sharing and wealth distribution and acknowledged the important role of civil society in supporting the peace process.[21]

In northern Sudan, traditional political parties and civil society leaders alike worry that the peace process must have broader participation or else it will not last. A more inclusive process of negotiations will increase buy-in from key constituencies such as civil society and traditional political parties. Traditional political parties have a link to the peace negotiations through the NDA but many supporters of political opposition in the north fear that the SPLM is not representing their interests in the peace talks.

Initiatives to strengthen civil society are critical to encouraging legitimate counterweights to the powerful leaderships in both the north and south that have emerged from the civil war and are the parties to the Machakos peace process. There are important opportunities to support grassroots peacebuilding and civil society building in the context of implementing a peace agreement offers critical opportunities to build accountability and check the power of military leaders and organizations. While the top level leaders from both the north and the south are engaged in the peace process, it is incumbent on civil society organizations to fill the role of watching over and providing either legitimacy or criticism to the top level leadership. Mid-level leaders arising from civil society organizations are often vital agents of change in societies coming out of protracted periods of civil war.

Along with expanding participation, particularly through strengthening civil society organizations, the peace process may be strengthened by encouraging ongoing grassroots peacebuilding. A number of local, community level initiatives have been undertaken, often working with traditional leaders or religious institutions. In Abyei, there are a number of local efforts at reconciliation between the Missiriya Arabs and the Dinka, including efforts to promote return. People-to-people peace initiatives have included the Abyei Task Force and discussions between Dinka and Baggara leaders resulting in “peace markets” such as Warawara. Community dialogue processes such as the All Nuba conference are another example of the kind of peacebuilding activities needed to complement the peace process and make it more inclusive.

G. Internal Spoilers and Cross-border Dynamics

Just as there are those who benefit from the conflict and instability, the peace process will have winners and losers. A wide variety of actors in Sudan --rogue commanders, and war profiteers-- have developed vested interests in violence and predation and have demonstrated the potential to act as spoilers. In addition, stakeholders in neighboring states and cross-border dynamics can act as spoilers. Egypt, with its specific concerns regarding the Nile (please refer to the following section), is one of the most notable stakeholders at the state level in the broader region.[22] Violence by the Lord’s Resistance Army (LRA) in northern Uganda is the most important cross-border conflict dynamic given its disproportionate impact on the humanitarian situation in southern Sudan and northern Uganda. CAR, Chad, Ethiopia and Eritrea also have interests in and historic links to certain parties in Sudan. At various times, these regional actors have provided support for one or the other sides to the conflict and the potential that such support might undermine the peace process remains a threat. The success of the peace process requires a process that elicits the cooperation of neighboring states such as Egypt, Uganda, Ethiopia, and Eritrea and the cessation or mitigation of the cross-border conflict, particularly the LRA insurgency.

[21] “Kampala Declaration of the Nuba Mountains and South Blue Nile Civil Society Forum,” 21-24 November 2001, found at www.justiceafrica.org/nuba_blue_nile.htm. See also Consultative Statements of the Civil Society Forum (III), “South-South Dialogue on Reconciliation and Good Governance,” Entebbe, Uganda, 13 December 2002.

[22] “Egypt will remain a block on self-determination and a huge obstacle to the success of the negotiations.” International Crisis Group, “Dialogue or Destruction? Organising for Peace as the War in Sudan Escalates,” 27 June 2002, pp. 12-13.

1. Political forces and elites

Within northern Sudan, there are a number of parties that could perceive benefits from resisting a peace agreement. Parts of the current regime act as if they have political and economic agendas that contradict the official policy toward the peace process. In general, most northern opposition parties have not examined their role in creating and sustaining the current war and are passively waiting for the current regime to fall. In the context of a signed peace agreement, however, some may attack the agreement in order to delegimitize the incumbent Government for surrendering too much, others may oppose the agreement as a means to mobilize a political base of support, and others may be making links to powerful actors outside Sudan. Sudan has a history of coups and popular uprisings and the consent of the current ruling Government to a peace process may not last if the regime changes and unless a broader, more inclusive process is constructed.

2. Militias

Among the groups with the greatest potential to act as spoilers and derail the peace process are the breakaway factions and militias supported at one time or another by both warring parties. A senior Sudanese civil society member concluded: "The Nuer militias are the most potent threat to human security and stability in the south, regardless of whether peace is concluded or not."[23] Some of these militias exploit very real grievances and ethnic bases of solidarity but the Government has long used divisions within the South.[24] A series of Nuer leaders such as Riek Machar and Peter Gadet have defected to and from the SPLA in recent months, often generating considerable conflict as they position themselves for power and influence.[25] If the peace process continues to exclude groups outside of the Government and SPLA, then other mechanisms to marginalize or manage these spoilers are needed. ICG notes 25 different factions in southern Sudan and concludes that "bringing at least a fair number of these 25 potential spoilers back into the fold should be the number one priority for the SPLA, as a united south would have both a stronger military and a stronger diplomatic position, which in turn could give the insurgency sufficient confidence to make the tough decisions still needed to conclude a peace agreement."[26]

The problem of militias is particularly dangerous when a military faction aligns itself with institutions that control valuable resources. Oil in particular has provided the resources for powerful actors in northern Sudan to support various militias that have engaged in attacks on civilians in order to secure access to oil fields in southern Sudan. ICG reports how militias, working directly with the Sudanese military and helicopter gunships, have depopulated large areas of Western Blue Nile. Some have suggested that individuals within the Government, notably the Minister for Oil and Natural Resources, engage in policies that support this violence without full Government support.

3. Lord's Resistance Army (LRA)[27]: Increased Violence in Northern Uganda

LRA violence limits humanitarian access by land to southern Sudan, particularly to Eastern Equatoria, directly effects Sudanese refugees in northern Uganda, and blocks much of the traditional trading routes and income generating opportunities in northern Uganda and southern Sudan. The violence is characterized by frequent, unpredictable, and brutal attacks on the civilian population, and the lack of a clearly articulated ideology or set of demands. As a result of the insecurity, humanitarian agencies cannot fully access the 840,000 internally displaced persons

[23] Cited in International Crisis Group, "Sudan's Oilfields Burn Again: Brinkmanship Endangers the Peace Process," 10 February 2003, p. 1.

[24] This tactic goes back to Nimeiri's use of Nuer militia known as Anyanya II against the SPLA in the mid 1980s and Baggara Arabs in the transitional zones have been recruited into Popular Defence Forces to attack the SPLA. Human Rights Watch, *Famine in Sudan, 1998: The Human Rights Causes* (New York, 1998).

[25] Some of the complicated story of defections into and from the SPLA can be traced in ICG reports. See "Power and Wealth Sharing."

[26] International Crisis Group, "Sudan's Oilfields Burn Again: Brinkmanship Endangers the Peace Process," 10 February 2003, p. 11.

[27] The LRA is on the U.S. list of terrorist organizations. Please refer to the Appendix for a more detailed discussion of the LRA. For a detailed background of the LRA, refer to "The Anguish of Northern Uganda: Results of a Field-based Assessment of the Civil Conflicts in Northern Uganda" Submitted to USAID/Uganda by Robert Gersony, August 1997.

living in over 60 camps in Gulu, Kitgum and Pader districts.[28] Since June 2002, there has been an increase in attacks by the LRA, including a number of attacks on NGO staff, vehicles and operations. In August 2002, the LRA attacked and destroyed the Achol-Pii refugee camp in Pader district and held captive five International Rescue Committee staff for one week.[29]

For southern Sudan, the result has been the spontaneous return of refugees to southern Sudan, primarily to Eastern Equatoria. For those returning to Magwe County, their lands either remain occupied by different groups displaced by the Sudan conflict, primarily Dinka from Bor and Bahr-el-Ghazal, or inaccessible due to insecurity. Even around populated areas, access to the traditional and productive agriculture lands is limited by insecurity. Options for these former refugees are limited given the situation in their home areas and the insecurity around the refugee camps.

The peace process in Sudan could lead to new opportunities for addressing the LRA, particularly as the LRA tries to secure the best position for itself as the peace process in Sudan progresses. Perhaps as a sign of this new dynamic, "The LRA has also signaled that it would like to talk about a settlement."[30] Given this signal combined with President Museveni's appointment of a high-level peace team to negotiate with the LRA, there might be a window of opportunity. Based on lessons learned in Sudan on the value in negotiating humanitarian access as a first step in broader peace talks, USAID is prepared to take advantage of this window of opportunity through its Northern Uganda Peace Initiative. However, success in addressing the LRA issue will remain intimately tied to Sudan and its peace process, particularly if the Government remains interested in directly or indirectly arming the LRA to keep instability in parts of the south.

H. Competition for Valuable Natural Resources[31]

Competition over scarce and valuable natural resources and environmental instability can be important sources of conflict. The role of the environment in conflict is that it can contribute through greed or grievance induced pathways, fund conflict, and exacerbating natural disasters, which could contribute to political shifts in power.[32]

1. Oil and Conflict

The discovery of oil in southern Sudan and its entry into northern and southern political calculations have changed the dynamics of the civil war and its resolution. Although it is not a traditional root cause of conflict, oil has contributed to the renewal of conflict in multiple ways: (a) increasing southern grievance associated with marginalization, (b) providing new economic incentives for the north to capture oil-rich territory, (c) increasing the intensity of conflict to gain territorial control of oilfields, (d) financing the Government military and militias, and (e) increasing potential of the Government to further manipulate southern groups at the expense of one another. Although primarily a key component in the north-south conflict, manipulation by the Government of southern entities has also created local conflicts between southern Sudanese.

The Government strategy to gain access and control over oil-rich territory appears to consist of two components. Within the Government, appointments associated with oil development exclude the

[28] "New thinking to end northern Uganda conflict" (Kampala 00444, February 2003)

[29] The August 2002 attack was similar to a previous LRA massacre of the same camp in July 1996. Acholpi was established by the United Nations High Commissioner for Refugees (UNHCR) in approximately 1994 in Kitgum District, about one hundred miles from the Sudan border. It was home to some 16,000 southern Sudanese refugees, principally Sudanese Acholis, who "fled reprisals in 1994 by the SPLA's predominantly Dinka faction after the defection of minority groups," ("The Anguish of Northern Uganda: Results of a Field-based Assessment of the Civil Conflicts in Northern Uganda" Submitted to USAID/Uganda by Robert Gersony, August 1997).

[30] "New thinking to end northern Uganda conflict" (Kampala 00444, February 2003)

[31] For a more detailed presentation, please refer to the appendix.

[32] Environment encompasses ecosystems and natural resources, of which land is an integral component. Environmental instability is defined as ecosystem degradation, resource depletion and/or increased vulnerability to natural disasters. Case studies have shown that environmental instability can deepen poverty, contribute to declining agricultural production, generate large and destabilizing population movements, and/or aggravate tensions along ethnic, racial or religious lines.

south from oil transactions and undermine southern autonomy. In addition, the Government continues to manipulate and exploit factional and ethnic divisions in southern politics, particularly in terms of the traditional competition and political fragmentation within and between the local Baggara tribes, Nuer and Dinka ethnic groups of Western Upper Nile. There have always been pressures on the Dinka with the Baggara tribes driving their cattle south. Both Nuer and Dinka have competed for access to land for grazing livestock and for settlement where the oilfields are located. However, soon after the war started, Government authorities abandoned their role as mediators in the recurrent grazing disputes between Baggara tribes, Nuer and Dinka and began to channel weapons and ammunition to informal militias formed by Baggara tribes. The pro-Government militias provide an element of credible deniability for the Government, which can claim that the fighting is intra-ethnic while it exploits the continued instability of the Western Upper Nile to accelerate and expand oil development. This exploitation also undermines efforts to expand dialogue between the SPLA and the militias.

Most of the rural areas in the active oil concession have been outside the control of the Government since the start of the war. Thus, the drive for territorial control of the oilfields is central to not only the war between the Government and SPLA but also to the ongoing conflict between the various militia factors. Efforts by the Government forces and its militia proxies to secure and maintain control over the oilfields has increased the levels of violence toward the rural population. Campaigns of forced dislocation and depopulation against non-Arabs and other groups (Nuer and Dinka civilians) living in oil producing areas that have historically opposed its rule are commonplace. Crops and livestock are destroyed, mass executions and torture carried out, while hunger is used to reinforce the Government control of the oil-rich lands. Without significant progress in the peace process, these activities are unlikely to cease since the most promising blocks of oil are deeper into southern territory where the Government has limited capacity to protect installations. Securing these areas will likely involve continuation of the Government's "scorched earth" strategy, destroying all habitation within 60 km.

The revenue and infrastructure associated with oil production has benefited the Government's position. The official Government statement is that oil profits are used only for non-military spending. However, the Government has matched its increase in export earnings with a commensurate increase in military spending, including tanks, ammunition, mortars and armored personnel carriers. Additionally, AK-47s and PKM machine guns and bullets have been assembled in one of three Chinese-built factories near Khartoum. The construction of these facilities has been associated with revenues from oil development. Oil installation infrastructure (i.e. air fields, all-weather roads), provide logistical assistance for the military campaigns against local opposition.

Despite the renewed peace process, as of March 2003 the Government is still carrying out its strategy of depopulating oil-rich areas. It is possible that this latest offensive (Dec 2002 – Feb 2003) allowed the Government to extend the all-weather road deeper into the oilfields with construction of garrisons to reposition troops, while depopulating the adjacent areas.

Any sustainable peace will require some form of equitable oil revenue sharing with the south. It will also be important to include a system of checks and balances to ensure that control of resources within the south does not lead to increased corruption by local leaders and potential for them to become spoilers in any peace agreement.

2. Water and Conflict

Three levels of water competition and potential conflict exist in Sudan, including the state level (Egypt, Sudan and Ethiopia), the level of northern and southern Sudan, and the local water user level. The state level has particular relevance given Egypt's concerns about access to the Nile in part drives its opposition to self-determination in southern Sudan. Given the increasing demands for water, it is only matter of time before tensions increase. Under a 1959 agreement with Sudan, Egypt is entitled to 55.5 billion cubic meters (BCM) of Nile water each year, while Sudan is allotted 18.5 BCM. However, even modest projections show Egypt's demand rising to 69.4 BCM by the end of the decade, which is more than what is available. In addition, Egypt could lose some of its

existing supply because Ethiopia does not recognize any obligation to limit its use of Nile waters for the sake of Egypt or Sudan.[33] Given its water-related opportunities and recurrent drought, Ethiopia has been studying designs to capture the headwaters for its agricultural, energy, and domestic use.

Fortunately for Egypt, plans to dam upper Nile waters have yet to materialize. In early 1990, Egypt was reported to have temporarily blocked an African Development Bank loan to Ethiopia for a project Cairo feared would reduce downstream water supply. Ethiopia has designs for dams and is now considering the construction of hydro-electric facilities in the south which would not radically alter the flow of water to downstream users. To complicate matters further for Egypt, the SPLM demonstrated its position by destroying the equipment used to construct the Jonglei Canal in 1983.

Northern Sudan is supportive of Egypt's needs and has its own development plans that will require an increasing amount of water from southern Sudan and Ethiopia. As it begins to use its oil income for development plans in agriculture, industry and population expansion, increasing amounts of water will be required, which will continue to test relations with Ethiopia and its access over control over resources in southern Sudan.

3. Competition for Natural Resources and Land at the Local Level

Competition and localized conflicts over natural resources are primarily associated with land tenure, land use, grazing rights, and access to water. Although these conflicts were resolved through traditional mechanisms, an increasing number of political and environmental factors have undermined these mechanisms, resulting in a broadening of conflict among various groups.

The “Peace and Conflict Mapping Exercise” undertaken in southern Sudan as part of the USAID-funded Sudan Peace Fund (December 2002), identified 35 out of 60 conflicts where natural resource issues, including land tenure, access to grazing, and fishing rights, were a contributing factors. Of each of the eight sub-regions examined, there was at least one natural resource associated conflict. In four of the sub-regions, over half of all conflicts had a natural resource component.

Unless the grievances and greed surrounding natural resource issues associated with conflicts are adequately addressed, greater violence could ensue or a fragile peace could be destabilized. Scarcity resulting from denied or limited access to natural resources and from growing environmental degradation are important factors behind a number of local level conflicts. Localized conflicts can be used as entry points for development assistance to help reduce the underlying grievances and opportunities for violence and help institutions become more capable and better able to serve stakeholders.

The following examples highlight the range and complexity of the natural resource-conflict nexus.

- In Darfur, traditional systems of conflict management based on the *Haykuru* system and *Joudiyya* institution have been weakened. The carrying capacity of the land is steadily decreasing due to increasing human and livestock populations and systematic environmental degradation. With the influx of immigrants to the area, came a different recognition of landownership based on the 1970 Unregistered Land Act. Immigrants viewed themselves as Sudanese nationals who had inalienable and equal rights to all productive resources, which was in contradiction with the customary system.

- The shift from subsistence agriculture to export-oriented crops has greatly affected the transition areas where small-holding farmers have been dispossessed of their customary rights to land and pastoralists have limited land use rights. This has resulted in extensive political and economic control over resources through agricultural schemes owned and operated by

[33] Approximately 85 percent of the Nile is generated by rainfall in Ethiopia, flowing as the Blue Nile into Sudan before entering Egypt. The remainder comes from the White Nile system, which has headwaters at Lake Victoria in Tanzania, and joins the Blue Nile near Khartoum.

interest groups representing the army and Government.

- The combination of persistent drought, large mechanized rain-fed farming and overgrazing in marginal lands with millions of displaced people has created serious environmental degradation. The movement of people and livestock from one affected ecozone to another already occupied by a different ethnic group is a formula for tension and hostility. Conditional agreements were reached in the past, when the need for sharing land was occasional, but for the current situation where it is required for prolonged periods it is becoming increasingly a source of tension.

- Great care was taken to define cattle routes (*Marahiel* and *Masarat*) to avoid areas of potential conflicts between pastoralists and farmers. This tradition has weakened due to environmental degradation as farmers could not start cultivation or harvesting according to the time scheduled due to delays in rainfall. Pastoralists have had to move earlier to escape the drought and lack of grazing land and water. This situation is aggravated by tribal chiefs losing control over the younger tribesmen resulting in increased tensions and violence.

III. SPECIFIC CHALLENGES FOR USAID

A. High expectations for a "peace dividend"

Any peace agreement is going to bring high expectations for programs that have an immediate impact. Failure to manage expectations through an effective communications strategy and failure to plan effectively for realistic results without undermining the limited existing capacities could exacerbate tensions, complicate implementation or affect the personal security of program beneficiaries. The challenges associated with demographic shifts, personal security, land mines, food security (particularly in drought affected areas), and the complexity of planning, timing, sequencing and implementing a scaled-up program must receive serious consideration. Lack of transparency and lack of widespread dissemination will lead to rumors, false information or ill-informed expectations, and in turn could lead to adverse demographic shifts, such as an ill-timed, large-scale return of displaced persons or conflict between different interest groups.

If a peace agreement is signed, the next period of time undoubtedly will be fragile, as all parties assess whether others are abiding by their commitments and judging whether promised benefits and protections are real. In this context, even the perception that promised programs are missing will foster doubts about the peace process.

IDPs are anxious for peace so that they can return home as soon as possible, as is made clear in recent data collected by IOM and CARE. IDPs anticipate that the international community (and USAID in particular) will provide them with the means to return home. As is detailed below (see section on demographic shifts), the international community will be unable to meet the demand for return in the short to medium term. Frustration among IDPs may foster frustration with the peace process.

Demobilized soldiers and leaders of former independent militias may become the source of new conflicts if their expectations for benefits from peace are not met. In many cases ex-combatants are anxious to give up their guns in the expectation that demobilization and reintegration will bring benefits in the form of land, education or jobs. If these expectations are frustrated, the chances that they will re-engage in violence and predation (either as bandits or as new recruits) increase. Creating incentives to prevent militia leaders from acting as spoilers will be particularly challenging.

There may also be dangers from high expectations among the international donors. The peace process will be a difficult and uneven process, and the international community will have to be patient and recognize that actors in Sudan remain under tremendous stress and pressure.

B. Challenges associated with equitable access to resources

Given that inequitable access to resources is one of the root causes of the civil war, equitable access to international assistance and opportunities is critical. This remains the case whether or not the strategy period is characterized by peace or conflict.

In the Sudan context, the equitable provision of resources and opportunities should result in the right resources at the right time and in the right places. Criteria for the allocation of resources should vary based on need, opportunities, and access. Humanitarian need should be the primary driver for humanitarian assistance whereas the capacity to achieve results could be the primary driver for development assistance. In all cases, access will remain an overriding variable in any unstable areas.

In a peace implementation phase, there may be plausible cases for more political and social rather than developmental and humanitarian criteria for the allocation of resources. For example, if stability and peace are the top priorities, programs to advance that goal may include a focus on those groups and issues that could undermine or derail the peace process, which would include significant attention to issues of demobilization and reintegration of the military and as possible of militia. In addition, in comparative peace implementation exercises, demobilized soldiers have received targeted assistance beyond the assistance provided to displaced persons.

Transparent allocation of resources will be important as will be the development of capacity building programs targeted at historically more disadvantaged groups to ensure that they become "eligible" for taking advantage of development opportunities. Mechanisms will be necessary to ensure that the exploitation of natural resources in the south are equitably managed and distributed rather than for the benefit of a few.

C. Demographic shifts exacerbating tensions

Under a peace scenario, spontaneous and uncoordinated population movements in the short-term could threaten their physical security (as a result of limited humanitarian response capacity, limited food security, and landmines) as well as act as a potential destabilizing element. The physical security of southern populations, especially women headed households, during a possible could be seriously affected by a combination of large scale population movements coupled with food insecurity. Limited supply of food and water in some areas as well as poor prospects for increasing access in some areas could result in significant humanitarian considerations in at least two regions (Bahr-el-Ghazal and Upper Nile) if people start moving quickly. In addition, consideration must be given to the seasonal availability of resources for the construction of homes and the availability and allocation of land by local authorities.

Even under a status quo scenario, previous demographic shifts have led to latent and low-scale violent conflict between internally displaced persons and host populations. The return of Sudanese refugees from Uganda to their home areas or nearby areas in Sudan potentially adds to such tension between the host communities and displaced.

Displaced populations also become an important political tool, particularly in transition areas such as Southern Blue Nile where there are combinations of internally displaced that would like to either move north or south across lines of control, but restrictions on movements make that difficult. It is possible and indeed likely that all sides will play the 'IDP' game --forcing some IDPs to return, preventing others from leaving, preventing others from coming. This game can be played through violence, as well as through more administrative processes that end up being less visible, such as abuse of humanitarian assistance or the manipulation of bureaucratic procedures. The temptation to draw political, economic and even military advantage from IDP flows could be high (a) in the beginning of the peace implementation phase, when spoilers could seek to undermine the authority and capacity of authorities in southern Sudan, and as southern factions jockey for power; and (b)

as the time for the referendum approaches, political leaders on all sides could scramble to 'regulate' who votes where.

Although displaced populations and refugees may return as they see fit, regardless of international assistance, lessons learned from Sierra Leone highlight the importance of the effective dissemination of information to returning populations about changing conditions and possible assistance.

D. USG Policy and USAID Program Coherence

Since the inception of the development program in opposition-held areas of Sudan, USAID has been clear that it will not presuppose any outcome to the civil war nor will it take sides in any of the conflicts among southern Sudanese. Although USAID works with Sudanese counterparts in the areas that they administer so as to ensure proper program implementation, these counterparts do not control the programs or receive USAID funding, nor does USAID recognize them as a Government. However, as dynamics in Sudan shift in the lead up to a peace agreement, during an interim period (or during a failed peace process) it will be important to constantly reevaluate to what extent USAID action in Sudan as a whole matches USG policy. Although "programmatics" can help drive "diplomatics", it is useful not to be too far ahead of the diplomatics.

The extensive history of marginalization, current humanitarian needs and USAID experience and its comparative advantage in southern Sudan, lead to an expected emphasis on programming in the south. However, the increased need to strengthen governance of a southern entity as part of the peace process could be construed as strengthening of governance structures for possible succession down the line. Although there is little doubt that many voices in the south might see no other option than separation, at this stage separation is not the stated policy of the USG and USAID. As such, USAID bears the challenge of not presupposing any outcome to the peace process. For example, if the transition areas remain contested between the north and the south, the incorporation of such areas under the umbrella of programs in southern Sudan could be perceived as presupposing outcomes (as opposed to building economies of scale).

This could become more of an issue in the context of significantly increased USG funding and programming and could potentially come into play in terms of decisions made with strategy, programming (particularly with media related programming), contracting, and geographic and beneficiary targeting.

In addition, a durable peace and an enabling environment for making an informed decision on secession cannot be made in isolation. The north will continue to play a significant role in the stability of the south. Although USG sanctions in the north create hurdles for programming in the north, engaging in windows of opportunity in the north and addressing the fragmentation in the north will be important for the durability of any peace process.

Within USAID, operating separate offices in Khartoum and Nairobi as well as the location of the Sudan Task Force in a third location, in Washington D.C. creates an added challenge for intra-USAID management, particularly in terms of sharing information. It remains difficult to easily capture the amount and types of USG resources in Sudan.

IV. RECOMMENDATIONS

A. Enhance information management and dissemination mechanisms

In the context of Sudan, improved access and dissemination of information in part addresses concerns about program equity, transparency, coordination, and planning. Given the amount of USAID and USG resources planned for Sudan as well as the foreign policy importance placed on Sudan, improved information systems are critical. At present, even within USAID it is difficult to

obtain and compile detailed information on the variety of USAID and USG resources going into Sudan. In addition, it is difficult to access the wealth of Sudan related information within USAID.

A combination of enhancing and establishing information management and dissemination mechanisms will (a) provide program and senior management with information necessary to make informed decisions; (b) promote the coordination and equitable distribution of resources by USAID, State and other donor resources; (c) identify critical resource and program gaps; (d) promote transparency and accountability on the donor and PVO side; and, (e) streamline the response to information requests and reporting requirements. Equity requires tangible mechanisms for managing any imbalances that may result and for this, information is critical.

Recent experience in Kosovo and Afghanistan demonstrates that "integrating current information and maps, geographic information system (GIS) software can assist with information sharing, advance planning, operational cooperation, and evaluation of progress toward complementary goals… GIS provides a cohesive framework for collecting, organizing, and exploiting location-based information."[34] The Humanitarian Community Information Center (HCIC) in Kosovo and the Afghanistan Information Management Service (AIMS)[35] have both evolved from reinforcing coordination and humanitarian response activities to include planning and programming rehabilitation and development activities.

In Sudan, location-based information could help the analysis, tracking and monitoring of conflict flashpoints, demographic issues and potential shifts, program activity distribution, social services, the range of humanitarian and development interventions, and program gaps. In Sudan and East Africa, there has been progress in using location-based information. Within USAID, OFDA is the lead in using location-based information in Sudan, but this primarily includes humanitarian assistance. At the sub-regional level, OFDA is closely engaged with Data Exchange Platform for the Horn of Africa (DEPHA), which aims to promote data exchange and use in the Horn of Africa.[36] OFDA is funding DEPHA for three years. The Steering Committee consists of WFP, UNICEF, UNDP and UNHCR, but DEPHA does not technically fall under one UN agency. In addition, UNHCR and OLS/ Water and Sanitation, among others, are using "approximate" GIS data to map and track activities. Although data may remain "approximate" given the sensitivity to the use of exact global positioning data in southern Sudan, the current lack of even general location-based information could hamper improved coordination and equity.

Specific recommendations follow:

- Create a mechanism for managing and sharing analyses and reports. Given the size of the programs in Sudan and the wealth of information that exists, the wealth of Sudan specific information and analyses should be consolidated.
- Promote and support the establishment of an information management center for coordination of humanitarian, rehabilitation and development activities in Sudan. In coordination with DEPHA, the center would set standards and facilitate dissemination of location-based information. Build on the existing experience, data, and efforts of DEPHA, OFDA, UNHCR and others in this area, particularly by incorporating development assistance in addition to humanitarian assistance.
- Consolidate location-based information for all USAID supported humanitarian, rehabilitation and development activities in Sudan. If possible, include State resources.
- Management options could include (a) hiring a Geographic Information Specialist for the USAID/Sudan, (b) hiring but sharing a Geographic Information Specialist with REDSO/ESA for the Horn of Africa, or (c) a combination of one of the above with the person being based with DEPHA or remotely in Washington D.C.

[34] Col. Michael J. Dziedzic and Dr. William B. Wood, "Kosovo brief: Information management offers a new opportunity for cooperation between civilian and military entities," USIP.
[35] http://aims.itos.uga.edu/
[36] www.depha.org

- Incorporate into RFAs and Cooperative Agreements, as possible, that implementing partners maintain the capacity to report on location-based information.

B. Consolidate conflict monitoring and peace process tracking

As lesson learned from the failed 1972 Addis Ababa Agreement, peace implementation and conflict monitoring is critical. Effective peace implementation and conflict monitoring will in part address one of the main weaknesses of 1972 Addis Ababa Agreement. At present, the Civilian Protection and Monitoring Team (CPMT) is small but important in demonstrating the commitment of the international community to monitor human rights abuse, expose violence and ceasefire violations. Increasing the capacity of the CPMT upon the signing of a peace agreement will be critical, which is a task best suited for the State Department.

In all, the security wing of Operation Lifeline Sudan, the Civilian Protection and Monitoring Team and the Sudan Peace Fund are an excellent source of conflict related information that would be useful in monitoring the peace process and potential flashpoints as well as planning and assisting with population movements and reintegration. Such information could be consolidated on a quarterly basis (in concise and brief form) so as to best inform PVO partners.

As art of its program, Sudan Peace Fund should include a reporting function that regularly reports (say quarterly or on an as need basis) on conflict flashpoints and interventions. This information should also, preferably, be location-based.

C. Design communication strategy

In addition to the importance of information management and conflict monitoring, it is important to have a clear and effective communications strategy for stakeholders, including local authorities, program beneficiaries, implementing partners, UN agencies and other donors. In effect all programs and activities at the local level become an opportunity to disseminate core messages on topics such as peacebuilding, reintegration, HIVAIDS, and other sectors. As such, it is important to have a clear overarching strategy for passing consistent and quality messages. However, a clear communications strategy becomes complicated when particular issues are yet to emerge from a policy haze, such as the extent to which assistance is meant to promote at least the opportunity of unity (in the case of an interim period).

Also, a clear communications strategy could clarify the purpose and linkages of the multiple peace dividends. As there are “peace dividends” arising from local processes as well as national ones, clarify how the strategy and messages behind peace dividends link. For example, is there a difference between the message from peace dividends provided by the Sudan Peace Fund and those provided in support of the overall peace process?

D. Prepare strategy to facilitate reintegration

Spontaneous or large scale movements of displaced persons and refugees could result in increased vulnerability. As such, it would be useful to categorize potential returnee populations into several basic categories of vulnerability (high, medium, low) and design appropriate strategies for each category. For example, vulnerability might be a function of landmines, season, food security, access to water, etc. Particular recommendations include the following:

- Whereas UNHCR has the mandate as the lead agency for the reintegration of refugees, in coordination with other donors promote the designation of a lead agency responsible for the return of displaced persons. The designated lead agency and team members should compile data on displaced as UNHCR does for refugees.
- Help develop a centralized mapping capacity (with OCHA, DEPHA, and IOM) so that IDP populations and movements are tracked.

- Encourage information on conditions along the road, in home areas (radio, meetings). Perhaps fund northern media, human rights organizations monitor return of IDPs
- Invest in home visits by community leaders of destination communities and IDP communities.
- Invest in helping develop mechanisms so that IDP populations can express themselves, both within their communities (so that IDPs are not subjected to the political calculations of their own leaders) or within the broader Sudanese context. This could include town meetings, committees, small project schemes.

E. Engage in cross-line conflict mitigation and rehabilitation activities

Interventions in transition areas could promote cross-line benefits (particularly in terms of trade). However, interventions in such areas should not give the impression that USAID considers the transition areas as part of the south. Where these areas fall is not up to the program and USAID should be careful about giving the impression that USAID considers these areas as part of the south. As SPF has started to do, such concerns could in part be alleviated with cross-line activities with northern-based PVOs.

F. Engage in cross border conflict mitigation and rehabilitation activities

Promote humanitarian access and transition in areas affected by LRA
Now is perhaps the greatest window of opportunity for peace best chance for resolution of the LRA insurgency. The LRA and GOU may be even more interested than in 1994 when the previous peace process broke down. Although the LRA is far from being wiped out by the GOU "Iron First" response, it is under significant military pressure as a result of its loss of its major rear bases in Sudan and the only limited and clandestine support from GOS, which is trying to demonstrate to the United States that it no longer supports terrorist organizations. In addition, a successful and continued cessation of hostilities in Sudan between the GOS and SPLA would free up SPLA forces that would further pressure the LRA along the border, which is another reason for the LRA to seek peace now.

With the progressing peace process in Sudan, GOS overtures with the United States, lack of popular support, the LRA may try to cut the best deal it can at this stage with the GOU and indirectly with international donors who would be expected to provide reintegration assistance.

- *Negotiating humanitarian access in northern Uganda and southern Sudan*: As stated by the U.S. Embassy in Uganda, "A new approach to this brutal conflict is required. Humanitarian assistance is only able to treat some of the more accessible symptoms. A new approach might utilize the strategy recently used in Sudan whereby the U.S. role in negotiating humanitarian access to hitherto inaccessible populations offered an opportunity to bring the warring sides together and build confidence. In Uganda, this might involve a commitment by the LRA to stop attacking humanitarian agencies while the GOU concentrates its forces on providing access to and protecting displaced civilians. The confidence thus gained might then be used to enter into a dialog on the issues surrounding the conflict and how to resolve them."[37] Such guarantees should also include the safe passage of humanitarian assistance to southern Sudan.

- *Ceasefire, safe-conduct guarantees and cantonment*: At the same time that humanitarian access is negotiated, preparations must be in place for a negotiated ceasefire, safe-conduct guarantees, disarmament, cantonment, reconciliation and reintegration. Given the deep distrust between the LRA and GOU, such backing and guarantees should be supported by the USG on diplomatic and programmatic levels so as to add legitimacy to the process. On the programmatic side, cantonment would require quick and immediate access to food assistance and basic social services.

- *Conflict monitoring*: As a result of the increased distrust between the two sides, safe-conduct

[37] "New thinking to end northern Uganda conflict" (Kampala 00444, February 2003)

guarantees may need to be backed up with monitoring. Qualified and respected monitors would be essential particularly during the early days of a ceasefire in order to minimize the impact of potential destabilizing events and spoilers. The importance of neutral monitoring may require the involvement of non-Ugandan entities. Although a protection and monitoring team similar to those in use in Sudan would be an added value to a northern Uganda peace process, another option could include a sub-regional group under IGAD, which would be an operational extension of its Conflict Early Warning and Response Mechanism. Such a group, however, would require outside funding and technical assistance.

- *Incentives for peace*: Given the history of the previous failures, it will be important to demonstrate that there could be greater incentives for peace, including amnesty as offered by the GOU amnesty commission and integrated approaches to reconciliation, reintegration and rehabilitation assistance (including physical rehabilitation such as seeds and tools and access to basic social services as well as psychosocial healing). Designing incentives for the hard-line elements within the UPDF is more complicated given its desire to destroy the LRA militarily and save face. One option could include coordination with other donors with a comparative advantage in providing security sector training.

  On the diplomatic side, the USG could maintain pressure on Khartoum to desist from all forms of assistance to the LRA.

- *Communications and Media Strategy*: The mission seems well-placed to build on its current programs in northern Uganda to facilitate quick impact programming, reconciliation and reintegration. However, in addition to increasing the capacity of current activities, it would be critical to develop a comprehensive media and communication strategy for promoting reconciliation and reintegration.

Promote program linkages between Southern Sudan and Northern Uganda
With approximately 150,000 Sudanese refugees in Uganda's West Nile, it would be preferable to consider the role of these groups in rehabilitation and development activities in their home areas, most of which are in Western Equatoria. In addition, given the importance of quick impact programs as part of a potential peace dividend for Sudan and northern Uganda, promoting cross-border traditional trade routes and markets would help kick start local economies.

Negotiate improved cross-border access from Ethiopia
People used to travel back and forth between Ethiopia and Sudan unhindered. Although the market still functions on both sides, the border is occasionally closed completely. In general, however, there is open movement for the local population but the international relief organizations are not allowed to cross the border.

Promote peacebuilding in areas affected by pastoral-based conflict in northern Uganda, southern Sudan and northwestern Kenya[38]
Pastoral conflict poses the most significant form of violent, localized conflict in the border areas of Sudan and Uganda, Kenya, Ethiopia. The Karamoja Cluster describes the pastoral and agro-pastoral groups, livelihood systems, and land area encompassing northeastern Uganda, northwestern Kenya, southeastern Sudan and southwestern Ethiopia. Violence in the Karamoja Cluster has reached unprecedented proportions -- it has changed in nature, scale, and dimension due to a number of factors, including: the proliferation of automatic weapons, Government policies of neglect and interference for political gain, high youth unemployment, increased demand for and decreased productivity of land, a long term pattern of desiccation, and reduced respect for traditional rules governing cattle raiding and warfare.

[38] "Addressing Pastoralist Conflict in the Karamoja Cluster of Kenya, Uganda and Sudan A Peace Building Project Report," Management Systems International, March 2002

A focus on linking development and conflict response is vital. Thus, possible issues that REDSO/ESA could address through grant making could include conflict drivers include, such as cattle health, cattle rustling prevention strategies, negotiated inter-group bride price controls, peace radio infrastructure and content, disarmament efforts, advocacy on behalf of pastoralist issues and concerns, and cross-border resource access. In addition, planning and implementation could consider the following recommendations: 1) the need to integrate conflict resolution with socioeconomic development; 2) examination into livelihood options to supplement pastoralism by the peoples of the Karamoja Cluster; 3) address the marginalization and social/economic exclusion of (prejudice against) traditional pastoralists; 4) the need for effective inter-state and regional conflict reduction mechanisms; 5) the need for adequate coordination of those mechanisms; 6) the need to promote exchanges of experiences; 7) the need to integrate customary peacebuilding approaches into modern conflict reduction mechanisms and approaches; and 8) the need to promote the involvement of women in CPMR activities.

G. Encourage consultative processes across different regions

Successful peacebuilding should incorporate improving the linkages between different regions in Sudan and providing new channels for dialogue, joint decision-making, and consensus/confidence building. North-South dialogues and consultations are critical but there are also needs to promote dialogue between the south and the disputed areas (Abyei, the Nuba Mountains, and Southern Blue Nile) and between the north and northern peripheral areas (Darfur, Red Sea Hills).

These dialogues need to take place at multiple levels, including between civil society groups, professional organizations (media, law, medical, and teachers), religious groups, youth and student associations, and sport and cultural groups. Such Track II initiatives of citizen exchange will help breakdown stereotypes and mistrust, improve mutual understanding, and foster new cross-regional professional and social networks. Over time, these new links may provide a new basis for cooperation and trust between Sudanese.

These types of open, inclusive discussions may set the stage for a longer term process of democratization that will eventually lead to competitive multiparty elections but in the interim period will focus on setting the agenda and providing space for ideas to be formulated and issues presented. In other parts of Africa, broad consultative processes such as the Sovereign National Conference in Benin and elsewhere in West and Central Africa or the Convention for a Democratic South Africa process have served to guide transitional processes and help states move out of crises.

Specific recommendations include the following:

- Build capacity of civil society organizations and leaders to play a more active role in promoting accountability of their leaders during the transitional period by encouraging new conferences for collaboration and confidence building.
- Promote Cross-Regional Dialogues, Exchanges, and Discussion Fora as a means to encourage more inclusive participation.

H. Promote reconciliation and consultative processes in Southern Sudan and Transitional Areas

Managing conflicts and promoting reconciliation within the south is important in its own right, since intra-south violence has caused much of the war's humanitarian suffering. In addition, reducing tensions within the south will reduce opportunities for the north to manipulate southern divisions and thereby continue the war. The Sudan Peace Fund and the work underway by Pact are designed to advance reconciliation in the south and these initiatives deserve continued support.

In addition, if the IGAD peace process results in an agreement that is implemented, then as second set of tensions are likely to arise as the SPLM faces increased pressure and potentially begins to

fragment. Programs to support peace implementation should develop opportunities to encourage organizations such as the SPLM and other militarized organizations in the south to transform themselves into institutions more suited for peacetime political competition.

During the transitional period, processes designed to promote broad and inclusive dialogue and discussion should be supported. Following twenty years of war, people in southern Sudan and the transitional areas need time, space, and security in order to sort out their agendas, priorities, and leaders. Some local level consultations have already taken place, as in the Nuba Mountains, with important preliminary results. As security increases, people from across Sudan will need time and space to begin the process of discussing among themselves their interests, agenda, and way forward. Such "All Party" conferences should take place across southern Sudan and the transitional zones. These conventions will provide opportunities for voices outside of the main militarized groups to be heard and for the agenda to be broadened and made more representative of the broad range of Sudanese opinions, including those outside the militarized groups. Such meetings should seek to include the broadest possible range of voices from all segments of civil society. Forums that increase the flow of information and communications between southerners living in the north, southerners living in the south, southerners living in refugee camps in neighboring countries, and southerners living in the diaspora will facilitate a more representative process whereby southerners can discuss and debate their future.

Recommendation

- Support efforts to promote and support grassroots peacebuilding and reconciliation in southern Sudan and the transitional areas. Support the ongoing work by the Sudan Peace Fund and Pact in this area, and synergy with OTI's program.
- Support initiatives by citizens of southern Sudan and the transitional areas to engage in consultative processes to establish their agendas for creating peace and justice.
- Work with the militarized organizations that developed during the civil war to assist them to transform themselves into organizations able to function effectively in the context of peacebuilding.
- Encourage major sub-grantees under the Sudan Peace Fund, including CARE and Catholic Relief Services, who are also recipients of substantial USAID programs in Education and Agriculture, respectively, to link community dialogue and peace building interventions with humanitarian and or development interventions as appropriate.
- Encourage Pact to coordinate with PVOs on the ground, particularly recipients of USAID assistance, to link humanitarian and or development interventions with the positive outcomes of peace building interventions.

I. Engage Windows of Opportunity in the North

The political evolution of the north is critical to peace in Sudan and to the prospects for an environment conducive for the exercise of self-determination, the plan currently under consideration in the IGAD peace talks. Northern manipulation of divisions within the south is likely to continue unless key northern political leaders perceive their interests as served by a peaceful south.

There will be opportunities between 2003 and 2005 to engage actors in the north to press for political liberalization and democratization, processes that will encourage reform in the north as well as peace between the north and south. As detailed in the Sudan Democracy and Governance Assessment, "promoting the opening of political space in Government of Sudan controlled areas" is one of four areas of focus recommended for DG programming. Promoting liberalization, increased respect for rule of law, strengthened civil society organization, and democratization in the north not only will improve governance in the north but also increase prospects for enduring peace between the north and south, reduce opportunities for northern manipulation of tensions within the south, and thereby increase the likelihood of sustainable peacebuilding for all Sudanese.

Preliminary fieldwork in the north indicates that there currently is a window of opportunity to work on the democracy and governance agenda in the north. Civil society organizations, notably among students and the media, professional organizations, and a small but growing set of human rights and women's organizations, are pressing the regime in Khartoum for greater political and civil rights. Some of these organizations include groups based within southern Sudanese communities in the north. The results have been tentative and uneven but the potential for political evolution in the north exists and deserves careful attention. There are details the often courageous efforts by civil society in the north to "restore peace and democracy to their country in the absence of the political will from their leadership" and urges the international community to rally to aid such nonviolent democratic forces.[39] A joint assessment by the National Democratic Institute and International Republican Institute in early 2002 concluded similarly that "the change in the political environment provided an opportunity to undertake discreet activities to strengthen democratic processes and institutions in the north, by working with civil society organizations, the media and political parties."[40]

Recommendation

- Promote the undertaking of an OTI assessment in the north to evaluate opportunities for programming, particularly examining the role of advocacy groups and the media.
- Support DG programming in northern Sudan, most notably dialogue and consensus building projects and projects to strengthen civil society.
- DG programming should explore beyond the traditional realm of urban-based civil society organizations, and look at the potential for governance initiatives in the marginalized rural areas (such efforts could be coupled with livelihood interventions that USAID/OFDA and other donors say they are increasingly considering)

J. Develop transparent criteria for equity and transparency

Encourage the setting up, in various areas of southern Sudan and perhaps even the north, of negotiated principled frameworks similar to the Nuba Mountains Program for Advancing Conflict Transformation (NMPACT). This agreement, signed up to by both the GOS and the SPLM/A, seeks to ensure that assistance flows into a given area are equitable and driven by local priorities, not those of external authorities or of the donor or of the aid agency. It is a very encouraging experiment, and also addresses some of the issues in monitoring the effects of the ceasefire in the Nuba Mountains on local communities. In general:

- Establish and adhere to gender and equity targets for both the location of activities and participation in them.
- Ensure that selection processes and results are clear, transparent and widely disseminated.
- Provide support to marginalized individuals/communities so that they can qualify to participate in activities/ training and equity targets can be met.
- Vet programs through Sudanese partners/institutions (local Government, chiefs etc)
- Enhance communication and coordination. Fund/ participate in/ convene donor coordination.
- Be mindful of the regional imbalances created by using areas of stability as the guide for programmatic interventions – explore new ways of reaching less stable areas through distance education, through brining people to stable areas for training, through establishing mobile schools and health clinics, through focusing on skill development rather than construction, increasing access to existing services by people from areas not served.
- Fund/ participate in/ verify an assessment of where what services are, what state they are in and what population they serve.

K. Expand linkages between USAID and State offices in Nairobi and Khartoum

[39] Dave Peterson, "Peaceful Change and the Rise of Sudan's Democracy Movement," African Security Review 11:4 (2002) p. 69.

[40] NDI and IRI, "Joint Report Assessment Mission to Sudan," February 2002, p. 6.

Political reporting of southern Sudan by State's Political Officer in Khartoum promotes information flows, linkages and coordination between USAID and State in Khartoum and Nairobi. The practice of traveling regularly for significant periods of time the two cities is an excellent practice to continue for the Embassies as well as for USAID. There should be regular trips between both offices for more than just senior management. Such trips could promote and provide technical oversight for programs that cross lines of control or spheres of interest as well as for programs that promote an enabling environment for confidence building between the north and south.

L. Develop natural resource knowledge base for southern Sudan

Lack of credible and usable date, information and knowledge base has been identified as a major factor constraining conflict resolution because of the perception that information is biased in favor of certain parties. In addition, water resource management activities that could improve the effectiveness or efficiency of water use can not be planned or implemented unless adequate knowledge is known regarding the quantity and quality of available water resources. Mainly for these reasons, a water resources inventory and information base that provides an understanding of the nature and extent of problems, causes, possible solutions and consequences of various interventions is necessary for conflict mitigation and prevention at all three levels. The Nile Basin Initiative (NBI) has done extensive work in this area, but hasn't incorporated south Sudan or Ethiopia. USAID should engage more fully, and build upon its efforts to include south Sudan.

The South Sudan Agriculture Revitalization Project (SSARP) currently has plans to develop training centers in agriculture, business skills, info/data analysis and commodity network strengthening. Due to the importance of natural resource management, including water, the information and data analysis center, perhaps, could become a center for establishing such a knowledge base.

<u>NRM Recommendations</u>:

- Policy and legal reform: Additional analyses and subsequent recommendations for policy and legal reform based on the impacts of tribal/ethnic group authority and relationships of natural resource management and conflict based on the current land tenure system shaped by the 1970 Unregistered Land Act, the 1974 Law of Criminal Trespass and the 1990 Civil Transactions Act. These legal reforms have concentrated political power further in the Government and control of land and subsequent natural resource use has been transferred to those with access to that power. Recommendations for reforms need to ensure that access to natural resources is expressed in terms of justice, fairness, equitable sharing and equal development. This set of analyses would require mapping natural resource associated conflicts with policy and legal frameworks to gain a better understanding of the complexity and determine entry points for reform.
- Development of natural resource information – GIS system – this is already in the document.
- Re-engaging/re-establishing traditional institutions and customs for conflict resolution
- Assess the ability to revive traditional conflict resolution mechanisms in line with changes in legal and policy reform in natural resource management.

M. Promote phased and timed participation of Sudanese in NBI

Water is not only important in south Sudan because of its role in food security. The fact that the vast majority of the Nile River water passes through its territory is an important factor that can be utilized to provide political and economic leverage as well. Ultimately, the involvement of other countries in riparian issues, international law and development institutions will help south Sudan to obtain a much greater degree of leverage and influence in the water access and allocation issues in an open and transparent and fair manner. For this reason, USAID should slowly, appropriately and strategically incorporate south Sudan as actors in the discussions regarding the Nile Basin Initiative (NBI) and water resource management issues related to the ten riparian countries of the Nile River. At this time, it is not recommendable to create "political space" for south Sudan in the NBI because adequate preparations have not been made. USG interests in Egypt and the policy

regarding Sudan as "one entity" preclude this type of action at this time. But USAID can prepare for this opportunity by training south Sudanese and raising the awareness of this issue in international fora and among multi-lateral donors.

N. Integrate conflict sensitive approaches across portfolio

At a minimum, a reasonable level of effort should be made to ensure that USAID resources do not exacerbate underlying tensions. The challenge is to find the most effective mechanisms to inform donor and PVO staff involved in ongoing and new programs. The CVA Team applauds the efforts of the Sudan Team and Pact in the design of the Sudan Peace Fund as well as the efforts of USAID/OTI to complement these activities. The SPF builds on the increasing frequency and capacity of community-level peace initiatives across the south, which could help "bring unity of purpose and action among the southern constituencies." The aim of the program is to work "with local populations to respond to the needs they identify contributing to enhanced stability and to managing conflict in south Sudan."

The new strategy provides an excellent opportunity to promote conflict-sensitive programming across the board. SPF will cover the flashpoints of local level conflict as well as develop a strong understanding of the "hidden" or "silent" tensions that often exist below the surface. PVO staff are often unaware of such dynamics. Creating a way to pass information regarding conflict dynamics to PVO staff could help improve program implementation and conflict-sensitive approaches.

O. Expand cross-cutting conflict approaches with Basic Education

The CVA Team fully supports basic education as the best long-term means to support youth in SS, and believes that the design of the Sudan Basic Education Project (SBEP) provides effective means to make progress in this badly-needed area. Some additional recommendations that can enhance its conflict prevention/mitigation impact are presented below.

<u>Peace Education</u>
Although peace education has been built into the curricula and the training of teachers previously, it has not been done on systematic basis in southern Sudan. SBEP should assimilate lessons from successful and failed pilot efforts in this area, refine the curricula for students and teachers that have been developed thus far, and institutionalize peace education into southern Sudan curriculum because this opportunity to sew these seeds among the next generation through basic education should not be missed. As done in previous successful efforts, curricula change will need to be based on linguistic, cultural and local differences.

In addition, during the interim period, the program will want to be cognizant of the types of information regarding the peace process that is incorporated into the curriculum, if USAID covers the cost in anyway.

<u>Business Skills</u>
In addition, the CVA Team believes that the basic skills necessary to develop business is severely lacking among south Sudanese, especially women. Increasing living standards will not be sustained unless and until a market-based economy develops, and skills/knowledge related to the use of money, credit and savings will be necessary. As discussed above, economic growth and peace are mutually-supportive, and basic business skills must be attained by southern Sudan population for their economy to continue growing. Particularly for people whose economy has been based on subsistence and local barter, inclusion of the concepts of a market economy will help youth integrate into, assist them develop, and perhaps lead a market-based economy necessary for the future of SS. The SBEP project can do so by incorporating simple market-based economic skills and knowledge into basic education curricula and teacher education.

<u>Youth Development Associations (YDA)</u>

SBEP will have a non-formal education program that will provide life skills, English and accelerated learning to out-of-school youth and adults. Among other activities, it will also include distance education, and collaborate with OTI's radio education and awareness activities. The CVA Team believes that this type of non-formal education can provide significant conflict mitigation impact, and encourages CARE to carry out this activity with youth development associations (YDAs). There are many benefits of working with the existing, locally-established and youth-operated YDAs. Implementing the non-formal education program through them will not only reduce the burden of SBEP and the communities, but results will also be more effective and sustainable by utilizing an already-existing community-based structure. YDAs can play a very important role for peace-building in south Sudan as discussed below. It is strongly recommended that SBEP activities be coordinated with, and support YDAs. It is also recommended that SBEP work with YDA to identify and address specific gender based issues and constraints to address through informal education.

Parent Teacher Associations

The SBEP can also promote peace through an active PTA program by reaching parents from different tribes and potentially conflictive families. Through discussion on the issues related to their children's education, mutual understanding, collaboration and social cohesion may be promoted among parents. PTA activities are already part of SBEP, but it is recommended to take full advantage of this ready-made opportunity to carry out peace-promoting dialogues and activities among both parents and youth. It is also recommended that PTA activities are structured around the already burdensome obligations faced by communities and that special efforts be made to accommodate women's time constraints as well as their traditional lack of voice in public affairs.

P. Expand interventions targeting youth development

Although the best means to support youth is through the basic formal education system, a large percentage of youth are not enrolled in schools but do participate in Youth Development Associations (YDAs). These organizations appear abundant in southern Sudan, and represent a means through which education, training, peace-building and social cohesion can occur.

Peacebuilding and youth development are mutually-reinforcing, and for numerous reasons are a strategic priority for USAID. Appropriate support for youth development will result in numerous long-term development benefits, including the mitigation and prevention of conflict. In addition to the severe lack of education/training opportunities, lack of food, jobs, institutions, facilities, etc. there are special problems that affect youth disproportionately, e.g. "brain-drain" of the most capable and educated, the continued existence of slavery, forced conscription into the army, and rape and abduction of young women. All of these problems are a cause or effect of conflict whether it exists between the north and the south, between tribes within the south, between the south and bordering countries or between displaced people and locals. Therefore, in this context, the term "appropriate" refers to support that can achieve its objective while taking into consideration both the severe lack mentioned above and these conflicts that make youth development unusually difficult.

Social activities in local youth development organizations such as sports can prevent fragmentation and serve to integrate different ethnic groups, religions and geographical areas thereby protecting the peace and mitigating future conflict. Idle youth in an unstable society are highly susceptible to conflict, so peace-building awareness and education are not enough. Youth also need to obtain livelihoods. For this reason, skills training and the means to obtain experience in business must be implemented to promote youth employment. Obtaining a job which leads to personal prosperity would perhaps be the best way to fulfill the expectations of a peace dividend, and therefore skills training for productive employment, particularly for rehabilitation, will be recommended in various parts of USAID's program in south Sudan.

There have been numerous efforts to work with YDAs in southern Sudan. Previous partners have included UNHCR, Christian Brothers, IDEAS, CARE and Bahr-el-Ghazal Youth Development Agency (BYDA). It is recommended that USAID learn from the lessons of success and failure, and

develop a large and well-designed effort for both boys and girls to systematically and on a broad scale strengthen the YDAs carry out effective programs in the following activities that promote peace and conflict mitigation on a preventive basis. Given the lack of gender equity in programs to date, additional analyses and specific targets may be necessary.

Sports

Despite drought conditions and scarcity of food, the CVA Team witnessed youth playing soccer and other sports in many areas of southern Sudan with rudimentary facilities and makeshift equipment. Sports can be exploited for peace-building, conflict prevention and rehabilitation purposes. For example, sports teams incorporate members from different tribes or ethnic groups, and provide an environment in which it is necessary to cooperate and respect each other. It builds unity within towns, and promotes social interaction between towns and the tribes belonging to them. On an individual level, sports teaches youth the value of teamwork, discipline, social and communication skills, civic pride as well as sportsmanship on and off the playing field. Simple as it may sound, if youth have another reason to be happy about something in their community, they may resist the call to arms.

HIV and Health

YDAs present an important vehicle through which education and awareness about HIV/AIDS, STDs and other health-related issues can be provided. These messages can be part of other ongoing and successful youth activities to facilitate widespread exposure. Coordination of such activity should be undertaken with USAID health projects.

Training for Business

As mentioned above, throughout southern Sudan the CVA Team noted the lack of understanding and ability to participate in a market-based economy. The people of southern Sudan need to understand money and how it can be used to facilitate income growth. Tomorrow's society needs to understand concepts and tools such as a personal budget, the importance of savings, the utility of a loan, how to work with multiple currencies, how businesses run, and the relationship between the price of agricultural produce and abundance/scarcity. For the advanced, knowledge of interest rate, inflation and devaluation are necessary. It is recommended that education and training in money management, entrepreneurship and small business development be provided in YDAs. If possible, a small micro-credit program should be carried out to provide hands-on experience to establish and develop the future business leaders of southern Sudan.

Special Girls Programs

The low expectations and aspirations of girls are due to many complicated social factors including their consideration merely as assets. The program needs to address the social, cultural and economic imbalances of gender in southern Sudan, and will recommend specific activities that can be undertaken. The recommendation in this Section is simply to employ YDAs as a vehicle through which these gender activities can be undertaken both raising awareness about issues such as domestic violence and educating young men and women about their important roles in a peaceful society. It is expected that if carried out equitably between the genders, a significant contribution will be made to instill a sense of pride, worth and solidarity required to begin addressing gender issues in southern Sudan society.

Leadership Development

Whether southern Sudan separates from the north or not, a new generation of leaders will be necessary to represent the people and help this impoverished region develop. Youth demonstrating interest and capacity in leadership skills should be provided assistance through YDAs to help meet the upcoming challenges facing southern Sudan society. Leadership training has been conducted by various organizations in southern Sudan, including the collaboration between Pact and Bahr-el-Ghazal Youth Development Agency (BYDA). It is recommended to learn from previous lessons, further improve the curriculum for leadership development training, and carry these out on a broader basis throughout southern Sudan through the YDAs.

V. APPENDICES

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A. Lord's Resistance Army (LRA)[41]: Increased Violence in Northern Uganda

Summary

LRA violence severely limits humanitarian access by land to southern Sudan, particularly to Eastern Equatoria, directly impacts Sudanese refugees in northern Uganda, and blocks much of the traditional trading routes and income generating opportunities in much of northern Uganda and southern Sudan. For example, in August 2002, the LRA attacked and destroyed the Achol-Pii refugee camp in Kitgum district and held captive five International Rescue Committee staff for one week.[42]

"LRA violence in northern Uganda is characterized by frequent unpredictable and brutal attacks on the civilian population, and the lack of a clearly articulated ideology or set of demands. As a result of the insecurity, humanitarian agencies are not fully able to access the 840,000 internally displaced persons living in over 60 camps in Gulu, Kitgum and Pader districts or to transport relief supplies by road."[43] "Since June 2002, there has been an increase in attacks by the LRA, including a number of attacks on NGO staff, vehicles and operations. A letter later in the month warned all humanitarian agencies that they would be considered fair targets by the LRA if they continued to work in the north."[44] Over the past several years the deaths of several NGO staff traveling in and out of Sudan demonstrates the seriousness of such threats.

Background

Joseph Kony initiated the LRA and its predominately Acholi insurgency in late 1987, when he was approximately 26. Although there has been "continuous period of insurgency" since then, the conflict was characterized by a low level of intensity until the breakdown of peace negotiations with the Government of Uganda, in February 1994. At this stage, the LRA reemerged with military assistance from the Government of Sudan. "Following the collapse of the peace talks, LRA forces withdrew to southern Sudan, where they regrouped, retrained and were equipped with weapons, ammunition and land mines provided by the Government of Sudan."[45]

The political agenda of the LRA is murky at best. The overriding LRA agenda is seen as anti-Museveni and anti-Bantu rather than pro-democracy or pro-Acholi.[46] In addition, the LRA relationship with the GOS has perhaps as much to do with GOS motives. As noted in the USAID/Uganda CVA, "Domestic conflict within Uganda affects regional politics and conflicts and these same regional issues also affect conflict within Uganda's borders. The internal drives the external and the external drives the internal such that it is not possible to analyze conflict in Uganda as a simple relationship between the central Government and the periphery." In the case of the LRA, the major bilateral dimension is Uganda's relations with the Government of Sudan.[47]

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[41] For a detailed background of the LRA, refer to "The Anguish of Northern Uganda: Results of a Field-based Assessment of the Civil Conflicts in Northern Uganda" Submitted to USAID/Uganda by Robert Gersony, August 1997.

[42] The August 2002 attack was similar to a previous LRA massacre of the same camp in July 1996. Acholpi was established by the United Nations High Commissioner for Refugees (UNHCR) in approximately 1994 in Kitgum District, about one hundred miles from the Sudan border. It was home to some 16,000 southern Sudanese refugees, principally Sudanese Acholis, who "fled reprisals in 1994 by the SPLA's predominantly Dinka faction after the defection of minority groups," ("The Anguish of Northern Uganda: Results of a Field-based Assessment of the Civil Conflicts in Northern Uganda" Submitted to USAID/Uganda by Robert Gersony, August 1997).

[43] "New thinking to end northern Uganda conflict" (Kampala 00444, February 2003)

[44] "New thinking to end northern Uganda conflict" (Kampala 00444, February 2003)

[45] "The Anguish of Northern Uganda: Results of a Field-based Assessment of the Civil Conflicts in Northern Uganda" Submitted to USAID/Uganda by Robert Gersony, August 1997.

[46] USAID/Uganda, "Democracy, Governance and Conflict," Integrated Strategy FY 2002-2007

[47] "The Anguish of Northern Uganda: Results of a Field-based Assessment of the Civil Conflicts in Northern Uganda" Submitted to USAID/Uganda by Robert Gersony, August 1997.

The Northern Uganda and Southern Sudan Interface: Changing Dynamics

For southern Sudan, the result has been the spontaneous return of refugees to southern Sudan, primarily to Eastern Equatoria. For those returning to Magwe County, their lands either remain occupied by different groups displaced by the Sudan conflict, primarily Dinka from Bor and Bahr-el-Ghazal, or inaccessible due to insecurity, particularly as a result of LRA movements back and forth to its rear bases in Sudan. Even around populated areas, access to the traditional and productive agriculture lands is limited by insecurity. Options for these former refugees are limited given the situation in their home areas (as well as the lack of social services available in the refugee camps) and the insecurity around the refugee camps. Also, UNHCR policy to promote agricultural production instead of humanitarian assistance further complicated the available options as the land made available for the refugees in northern Uganda was insufficient for meeting their basic requirements.

The peace process in Sudan could lead to new opportunities for addressing the LRA, particularly as the LRA tries to secure the best position for itself as the peace process in Sudan progresses. Perhaps as a sign of this new dynamic, "The LRA has also signaled that it would like to talk about a settlement."[48] Given this signal combined with President Museveni's appointment of a high-level peace team to negotiate with the LRA, there might be a window of opportunity. However, success in addressing the LRA issue will remain intimately tied to Sudan and its peace process, particularly if Khartoum remains interested in arming the LRA to keep instability in parts of the south.

Recent Experiences with Similar Peace Processes

During the previous peace negotiations in 1993 and 1994, "A ceasefire was in effect and safe-conduct guarantees had been provided by the Government to LRA insurgents. Hundreds of LRA soldiers were visibly clustered near trading centers awaiting a favorable conclusion of the negotiations… Many Acholi believed that, in fact, the war had effectively ended."[49] The failure of the previous peace process generally includes the following factors: the deep distrust between the LRA and GOU, the rapid timetable demanded by the GOU, agreements made between the LRA and GOS, disagreements between Kony and Acholi elders, and financial incentives for military personnel in the UPDF to continue the insecurity.

Although much simpler than the case of the LRA, the recent demobilization and reintegration of the Uganda National Rescue Front II (UNRF II), which operated out of Rojo in Western Equatoria until April 2002, provides lessons learned for the GOU and donors for application to the current peace process. UNRF II Chairman Ali Bamuze decided to return his force of about 2,500 to Uganda to negotiate a ceasefire (signed in June) and peace agreement (signed in December). About 400 UNRF II had been cantoned at a former refugee camp in the current Yumbe district since 1998, fed by the UPDF and given safe conduct passes to visit families in Uganda and move back and forth to Sudan. During that period, meetings were held between Bamuze and GOU ministers in Khartoum and Nairobi. The main force, though nominally still armed, was guarded by the UPDF at a larger camp in Yumbe from April - December 2002, fed by WFP, and provided water and other necessities through NGOs financed by the Ministry of Internal Affairs and the Amnesty Commission. The Amnesty Commission took over resettlement, which is now complete, following signing of the peace agreement. Financing was provided largely through a donor basket fund. Former Chairman and now UPDF Major General Bamuze has since been asked to play some role in the peace process with the LRA.

Recommendations

<u>Promote humanitarian access and transition in areas affected by LRA</u>

[48] "New thinking to end northern Uganda conflict" (Kampala 00444, February 2003)

[49] "The Anguish of Northern Uganda: Results of a Field-based Assessment of the Civil Conflicts in Northern Uganda" Submitted to USAID/Uganda by Robert Gersony, August 1997.

Now is perhaps the greatest window of opportunity for resolution of the LRA insurgency since 1994. The LRA and GOU may be even more interested than in 1994 when the previous peace process broke down. Although the LRA is far from being wiped out by the GOU "Iron First" response, it is under significant military pressure as a result of its loss of its major rear bases in Sudan and the only limited and clandestine support from GOS, which is trying to demonstrate to the United States that it no longer supports terrorist organizations. In addition, a successful and continued cessation of hostilities in Sudan between the GOS and SPLA would free up SPLA forces that would further pressure the LRA along the border.

With the progressing peace process in Sudan, GOS overtures to the United States, lack of popular support, the LRA may try to cut the best deal it can at this stage with the GOU and indirectly with international donors who would be expected to provide reintegration assistance.

Negotiating humanitarian access in northern Uganda and southern Sudan: As stated by the U.S. Embassy in Uganda, "A new approach to this brutal conflict is required. Humanitarian assistance is only able to treat some of the more accessible symptoms. A new approach might utilize the strategy recently used in Sudan whereby the U.S. role in negotiating humanitarian access to hitherto inaccessible populations offered an opportunity to bring the warring sides together and build confidence. In Uganda, this might involve a commitment by the LRA to stop attacking humanitarian agencies while the GOU concentrates its forces on providing access to and protecting displaced civilians. The confidence thus gained might then be used to enter into a dialog on the issues surrounding the conflict and how to resolve them."[50] Such guarantees should also include the save passage of humanitarian assistance to southern Sudan.

Ceasefire, safe-conduct guarantees and cantonment: At the same time that humanitarian access is negotiated, preparations must be in place for a negotiated ceasefire, safe-conduct guarantees, disarmament, cantonment, reconciliation and reintegration. Given the deep distrust between the LRA and GOU, such backing and guarantees should be supported by the USG on diplomatic and programmatic levels so as to add legitimacy to the process. On the programmatic side, cantonment would require quick and immediate access to food assistance and basic social services for the LRA by the UN and other donors.

Conflict monitoring: As a result of the increased distrust between the two sides, safe-conduct guarantees may need to be backed up with monitoring. Qualified and respected monitors would be essential particularly during the early days of a ceasefire in order to minimize the impact of potential destabilizing events and spoilers.

The importance of neutral monitoring may require the involvement of non-Ugandan entities. Although a protection and monitoring team similar to those in use in Sudan would be an added value to a northern Uganda peace process, another option could include a sub-regional group under IGAD, which would be an operational extension of its Conflict Early Warning and Response Mechanism. Such a group, however, would require outside funding and technical assistance.

There would also be a potential role for the ICRC, although they are still not operational in Uganda following the incident with their staff in DRC two years ago.

Incentives for peace: Given the history of the previous failures, it will be important to demonstrate that there could be greater incentives for peace, including amnesty as offered by the GOU amnesty commission and integrated approaches to reconciliation, reintegration and rehabilitation assistance (including physical rehabilitation such as seeds and tools and access to basic social services as well as psychosocial healing). In addition, Uganda would be eligible for "Special Project" assistance under the World Bank MDRP, if the LRA is demobilized first.

Designing incentives for the hard-line elements within the UPDF is more complicated given its

[50] "New thinking to end northern Uganda conflict" (Kampala 00444, February 2003)

desire to destroy the LRA militarily and save face. One option could include coordination with other donors with a comparative advantage in providing security sector training.

On the diplomatic side, the USG could maintain pressure on Khartoum to desist from all forms of assistance to the LRA.

Communications and Media Strategy: The mission seems well-placed to build on its current programs in northern Uganda to facilitate quick impact programming, reconciliation and reintegration. However, in addition to increasing the capacity of current activities, it would be critical to develop a comprehensive media and communication strategy for promoting reconciliation and reintegration.

B. Competition for Valuable Natural Resources

Competition over scarce and/or valuable natural resources and environmental instability (defined as ecosystem degradation, resource depletion and/or increased vulnerability to natural disasters) can be important sources of conflict. The role of environment[51] in the conflict dynamic is unique in that it can contribute through greed or grievance induced pathways, fund conflict and through exacerbating natural disasters can contribute to political shifts in power.[52]

Oil and Conflict

The discovery of oil and its entry into north and south political calculations changed the dynamics of the civil war and its resolution. In the Sudanese context, although not a traditional root cause of the conflict, oil has contributed to the renewal of conflict through multiple pathways: a) increasing southern grievance associated with historical economic marginalization, b) providing new economic incentives for the north to capture oil-rich territory, c) increasing the intensity of conflict to gain territorial control of oilfields and d) financing the Government military in the conflict. Although primarily a key component in the north-south conflict, manipulation by the Government of south entities has created local conflicts between south Sudanese.

There is no doubt that economic effects associated with access to and control of oilfields has contributed to the renewal of conflict by reinforcing old grievances on the part of the south and providing new incentives for the north. Discovery of oil occurred in 1978 when Sudan was relatively at peace under the Addis Ababa Agreement (1972-1983). This agreement envisioned southern dependence on northern assistance, with the resulting revenues from the southern region accruing to the regional Government. Since Sudan's development strategy was concentrated in the agricultural belt of central Sudan, the south received only 23.6% of the funds allocated to the development budget. A combination of the Government's failed development schemes and pressures on the Government's budget led the central Government to reduce development funds to the regions peripheral of the agricultural belt contributing to further southern economic marginalization. However, the failure of the Government's development schemes in the 1970s, increased budget deficits and rampant corruption made the capture of Government authority over oil revenues crucial. Persistent southern perception of exploitation and economic marginalization by the north was aggravated by the boundary crisis in 1980, which indicated a redrawing of boundaries affecting southern territory rich in natural resources. The decision to site the oil refinery for domestic production in the north and lack of representation in the White Nile Petroleum Corporation further increased tensions. The cumulative effect of reduced development funds from the Government and transferring areas rich in oil, copper and agricultural and grazing potential to the north, hardened southern politicians' views of northern efforts to deprive them of economic benefits associated with oil production. Increased tensions and hardened southern views spilled into renewed conflict in 1983 when the Government decided to partition the Southern Region into Equatoria, Upper Nile and Bahr-el-Ghazal. This decision resulted in mutinies by senior army commanders of southern origin, formation of the SPLA and renewal of the conflict.

The Government strategy to gain access and control over oil-rich territory appears to consist of two components. Within the Government structure, appointments associated with oil development were made that would exclude the south from oil transactions and undermine southern autonomy. Externally, the Government capitalized on manipulating existing factional and ethnic divisions in southern politics. Traditional competition and political fragmentation within and between, the local Baggara tribes, Nuer and Dinka ethnic groups of Western Upper Nile has been effectively exploited. There have always been pressures on the Dinka with the Baggara tribes driving their cattle south. Both Nuer and Dinka have competed for access to land for grazing livestock and for

[51] Environment encompasses ecosystems and natural resources, of which land is an integral component.

[52] Case studies have shown that environmental instability can deepen poverty, contribute to declining agricultural production, generate large and destabilizing population movements, and/or aggravate tensions along ethnic, racial or religious lines.

settlement in the "dead flat clay pan", where the oilfields are located. However, soon after the war started, Government authorities abandoned their role as mediators in the recurrent grazing disputes between Baggara tribes, Nuer and Dinka and began to channel weapons and ammunition to informal militias formed by Baggara tribes. The pro-Government militias provide an element of credible deniability for the Government, which can claim that the fighting is intra-ethnic while it exploits the continued instability of the Western Upper Nile to accelerate and expand oil development. This exploitation also undermines efforts to expand dialogue between the SPLA and the militias.

Most of the rural areas in the active oil concession have been outside the control of the Government since the start of the war. Thus, the drive for territorial control of the oilfields is central to not only the war between Government and SPLA but also to the ongoing conflict between the various militia factions. Efforts by the Government forces and its militia proxies to secure and maintain control over the oilfields has increased the levels of violence toward the rural population. Campaigns of forced dislocation and depopulation against non-Arabs and other groups (Nuer and Dinka civilians) living in oil producing areas that have historically opposed its rule are commonplace. Crops and livestock are destroyed, mass executions and torture carried out, while hunger is used to reinforce the Government control of the oil-rich lands. Without significant progress in the peace process, these activities are unlikely to cease since the most promising blocks of oil are deeper into southern territory where the Government has limited capacity to protect installations. Securing these areas will likely involve continuation of the Government's "scorched earth" strategy.

The revenue and infrastructure associated with oil production has allowed the Government to gain the advantage in the conflict. The official Government statement is that oil profits are used only for non-military spending. However, the Government has matched its increase in export earnings with a commensurate increase in military spending. It is common knowledge that profits are being used for military spending on tanks, ammunition, mortars and armored personnel carriers. Additionally, AK-47s and PKM machine guns and bullets have been assembled in one of three Chinese-built factories near Khartoum. The construction of these facilities has been associated with revenues from oil development. Oil installation infrastructure (i.e. air fields, all-weather roads), provide logistical assistance for the military campaigns against local opposition. There are several reported instances where the Government used oil company airstrips to launch raids on surrounding villages. In addition, the proliferation of small arms fuels conflicts in cross border areas, such as in the Karamaja.

Oil wealth has created agency problems for the SPLA movement. In 1997, under the Government 'Peace from Within' process, several SPLA commanders broke away and formed new alliances with the Government. In the agreement, the Government promised to give them 75% of oil proceeds along with high Government posts.

Although not currently perceived as a conflict risk factor, environmental degradation resulting from oil development could place additional stress on any future peace settlement. In areas where environmental regulations are weak or non-existent and not enforced, large-scale oil production and transport can have a significant impact on the landscape and local environment. Contamination of soil and water is a common consequence of oil production. Groundwater is particularly susceptible to contamination from the formation water, extracted along with oil during drilling. Oil spills resulting from either accidental leakage or intentional sabotage can have the same devastating effects. The livelihoods of many in the south rely on unpolluted Nile water and grazing lands. Also, the social consequences need to be further examined with the influx of workers moving into these fragile landscapes.

Despite the renewed peace process, the Government is still carrying out its strategy of depopulating oil-rich areas. It is suggested that this latest offensive (Dec 2002 – Feb 2003) allowed the Government to extend the all-weather road deeper into the oilfields with construction of garrisons to reposition troops, while depopulating the adjacent areas. Any sustaining peace will

require some form of equitable oil revenue sharing with the south. It will also be important to include a system of checks and balances to ensure that control of resources within the south does not lead to increased corruption by local leaders and potential for them to become spoilers in any peace agreement.

Water and Conflict

Three levels of water competition and potential conflict exist in Sudan, including the state level (Egypt, Sudan and Ethiopia), the level of northern and southern Sudan, and the water user level. The state level bears particular relevance as it is Egypt's concerns about access to the Nile that in part drives its opposition or disdain for any form of self-determination for southern Sudan.

It is clear that conflict, particularly between these three riparian countries is latent, and it is just a matter of time before tensions increase. Under a 1959 agreement with Sudan, Egypt is entitled to 55.5 billion cubic meters (bcm) of Nile water each year, while Sudan is allotted 18.5. Unfortunately, even modest projections show Egypt's demand rising to 69.4 bcm by the end of the decade--about 9 percent more water than is available now. As if the problems of finding more water were not enough, Egypt could actually lose some of its existing supply. Ethiopia recognizes no obligation to limit its use of Nile waters for the sake of Egypt or Sudan.[53] It has numerous water-related opportunities as well as problems including recurrent and severe drought. It has been studying designs to capture and store the Blue Nile's headwaters for their own agricultural, energy and domestic use.

Fortunately for Egypt, plans to dam upper Nile waters have yet to materialize. In early 1990, Egypt was reported to have temporarily blocked an African Development Bank loan to Ethiopia for a project Cairo feared would reduce downstream water supply. Ethiopia has designs for dams and is now considering the construction of hydro-electric facilities in their south which would not radically alter the flow of water to downstream users. To complicate matters further for Egypt, the SPLM demonstrated its position by destroying the equipment used to construct the Jonglei Canal in 1983. Northern Sudan not only is supportive of Egypt's needs, but also has its own development plans that will require increasing amount of water from south Sudan and Ethiopia. As it begins to use its oil income for development plans in agriculture, industry and population expansion, increasing amounts of water will be required. Due to these projected needs as well as their solidarity with Egypt, there also exists a latent conflict between north and south Sudan.

At the local level, there are also tensions and conflicts between southern Sudanese themselves. These conflicts relate to access of scarce water resources particularly in times of conflict and drought. They are exacerbated by tensions existing between political/military factions as well as tribes that have potentially conflictive agricultural and pastoralist water-use practices.

Competition for Natural Resources and Land at the Local Level

Competition and localized conflicts over natural resources have been occurring throughout Sudan for decades (centuries). These conflicts, primarily associated with land tenure, land use, grazing rights, and access to water, were resolved by traditional conflict resolution mechanisms, such as the Joudiyya institution. However, an increasing number of political and environmental factors have coalesced that have undermined these traditional systems resulting in a broadening of conflict among various tribal groups.

The "Peace and Conflict Mapping Exercise" undertaken in southern Sudan as part of the design phase of the USAID-funded Sudan Peace Fund (December 2002), identified 35 out of 60 conflicts (active to latent) where natural resource issues, ranging from land tenure to access to grazing and

[53] Approximately 85 percent of the Nile is generated by rainfall in Ethiopia, flowing as the Blue Nile into Sudan before entering Egypt. The remainder comes from the White Nile system, which has headwaters at Lake Victoria in Tanzania, and joins the Blue Nile near Khartoum.

fishing rights, were a contributing factor to the conflict. Of the eight sub-regions examined, there was at least one natural resource associated conflict and in four of the sub-regions, over half of the conflicts had a natural resource component. The concern is that unless the grievances and greed surrounding natural resource issues associated with conflicts are adequately addressed, greater violence could ensue or a fragile peace could be destabilized. Scarcity resulting from denied or limited access to natural resources and from growing environmental degradation are important factors behind a number of local level conflicts. Localized conflicts can be used as entry points for development assistance to help reduce the underlying grievances and opportunities for violence and help institutions become more capable and better able to serve stakeholders.

Given the intricacy of natural resource issues and conflict within the Sudanese context will require a systematic analysis to fully understand the dynamics. The following examples highlight the range and complexity of the natural resource-conflict nexus.

- In Darfur, the tribe possesses two rights - right of ownership over its resources and the political right to administer it. Non-tribesmen are given access to use the resources but have no right of ownership, nor do they have autonomous political power or equal power. Favorable environmental conditions in the past, with reduced human and livestock populations, led to a system free of major conflicts where all groups could make use of their land. The traditional systems of conflict management was based on recognition of the Haykuru system and Joudiyya institution. However, these traditional systems have been seriously disturbed. The carrying capacity of the land is steadily decreasing due to increasing human and livestock populations and systematic environmental degradation. With the influx of immigrants, came a different recognition of landownership based on the 1970 Unregistered Land Act. Immigrants viewed themselves as Sudanese nationals who had inalienable and equal rights to all productive resources which was in complete contradiction with the customary Haykuru system.

- The shift from subsistence agriculture to export-oriented crops has greatly affected the Transition Zone where small-holding farmers have been dispossessed of their customary rights to land and erosion of land use rights by pastoralists. This has resulted in extend political and economic control over resources through agricultural schemes owned and operated by interest groups representing the army and Government.

- The combination of persistent drought, large mechanized rain-fed farming and overgrazing in marginal lands with millions of displaced people has created serious environmental degradation. The movement of people and livestock from one affected ecozone to another already occupied by a different ethnic group is a formula for tension and hostility. Conditional agreements were reached in the past, when the need for sharing land was occasional, but for the current situation where it is required for prolonged periods it is becoming increasingly a source of tension.

  This scenario is one of the components in the armed conflict in the Nuba mountains. In the past problems arising from land and water disputes were resolved at an annual conference of Nuba Mekks and Arab Sheikhs. Major causes of the conflict are the loss of Nuba smallholder farm lands with Government allocation of these lands to absentee Jellaba landlords for mechanized commercial farming and the persistent drought which has driven large numbers of Baggara and their animals to the mountains and subsequent loss of land for grazing. It is reported that the Jellaba mechanized farmers and Baggara pastoralists have forged a temporary alliance to dislodge the indigenous people and take over their land.

- Dispute over Marahiel and Masarat (animal routes up and down the region). Minshag occurs in autumn when herds move from southern parts of Darfur to northern parts to avoid the rainy season and tsetse fly. Ma'wata occurs in the dry season when herds move south in search of pasture and water. Minshag and Ma'wata routes are meticulously defined by

both tribal leaders and Government officials. Great care was taken to define these routes to avoid areas of potential conflicts between pastoralists and farmers. This tradition has weakened due to environmental degradation as farmers could not start cultivation or harvesting according to the time scheduled due to delays in rainfall. Pastoralists have had to move earlier to escape the drought and lack of grazing land and water. This situation is aggravated by tribal chiefs losing control over the younger tribesmen resulting in increased tensions and violence.

Recommendations:

- Policy and legal reform: Additional analyses and subsequent recommendations for policy and legal reform based on the impacts of tribal/ethnic group authority and relationships of natural resource management and conflict based on the current land tenure system shaped by the 1970 Unregistered Land Act, the 1974 Law of Criminal Trespass and the 1990 Civil Transactions Act. These legal reforms have concentrated political power further in the Government and control of land and subsequent natural resource use has been transferred to those with access to that power. Recommendations for reforms need to ensure that access to natural resources is expressed in terms of justice, fairness, equitable sharing and equal development. This set of analyses would require mapping natural resource associated conflicts with policy and legal frameworks to gain a better understanding of the complexity and determine entry points for reform.
- Development of natural resource information – GIS system – this is already in the document.
- Re-engaging/re-establishing traditional institutions and customs for conflict resolution
- Assess the ability to revive traditional conflict resolution mechanisms in line with changes in legal and policy reform in natural resource management.

C. Land Legislation in Sudan – An Overview

Land is central to conflict in Sudan. Official Sudanese land legislation illustrates how the political marginalization of many rural communities furthers their economic marginalization. Economic élites have, under successive Governments since the Condominium, shaped land laws and state institutions to provide both legal cover and practical vehicles for their exploitation of rural peoples.

A few points are worth underscoring:

- Traditional communities do not usually formally register individual land ownership. Rather, the community keeps track of individual claims to given pieces of land, mostly on the basis of use, but also of lineage. Thus access and use are traditionally more relevant than ownership. This is especially important for pastoralist communities, whose use of the land and its resources (water, grazing) is seasonal, geographically wide-ranging and shared with both sedentary farmers and other pastoralist groups. All over Sudan, both in the north and the south, myriad customary laws have governed how local people deal with land and other resources, both within the community and between communities. Over the decades, Sudanese national land legislation has systematically and consistently destroyed the legal basis of custom for representing the interests of rural people.

- Customary law is not a panacea. In many instances, custom is iniquitous, especially with regards to the rights of women. Any return to customary law will require reform.

- The relationship between the state, the local administration and land use is key. Local and civil administration legislation and practice is central to land issues. Local tribal leaders can act as guardians of the rights of local people (as allocators of land, as custodians of customary law). But they can also become stooges of the Government, local strongmen who are more responsive to the interests of Khartoum than to those of their own community. The NIF Government has put much effort into subverting local leaders, especially in Kordofan and Darfur.

- Government abuses concentrate on rain-fed land which require less investment than irrigated land. Mechanized schemes can be established quickly – and cheaply dismantled once the land has been leached by the environmentally destructive mechanized farming practices.

What follows is a brief synopsis of the main pieces of legislation relevant to land use in Sudan. They show the successful efforts by Nile valley élites to establish their legal ability to exploit and marginalize local rural populations.

<u>Land Settlement and Registration Ordinance (1925):</u>

This ordinance was the central element of land legislation under the Condominium. It sought to limit land grabbing by 'alien' economic interests, be they non-Sudanese or simply Northern merchants, and as such served as a tool for social and political control. It also enabled large scale land confiscation in the cotton-growing areas in the Gezira, along the upper Blue Nile, and in the Tokar delta. The Ordinance's promotion of local customary law as a source of national land law – a good thing for the protection of local livelihoods -- was undermined by the fact that the colonial Government failed to properly document land customs.

<u>The Mechanized Farming Corporation (1968):</u>

The MFC was created with financial help from the World Bank, as part of a push to 'rationalize' local agriculture through the development of mechanized farming. Initially farms were state owned. Following the 1984-85 famine, 'private farms' increasingly replaced state farms, but continued to receive state subsidies. The MFC thus became a vehicle for élites close to the state (bureaucrats,

army officers, merchants, and, more recently, foreign associates of the state) to gain control over the land of local communities without due process.

The Unregistered Land Act (1970):

This is the legal cornerstone to the process of expropriation of rural communities. The Unregistered Land Act "transferred to the Government in full ownership of unregistered lands, whether waste, forest, occupied or unoccupied, which had not been registered before the commencement of the Act on 6 April 1970." It abolished the rights of native authorities to allocate land. The idea was for the state to operate as a 'supra-tribe' that would allocate land as tribal leaders had done previously. In fact, it opened the way for the development of modern schemes to the benefit of the state's key constituents.

Abolition of Native Administration Act (1971):

This act, combined with the Local Government Act of 1971, abolished the colonial practice of using tribal leaders as local representatives of the state. It also destroyed the legal basis for the dar, or tribal homeland, which guaranteed a community's access to – if not ownership over – resources (land, water, grazing) in a given territory, a notion that is central to the pastoralist way of life. "In theory, any pastoralist could take his animals to any 'empty' land, and any cultivator could register and cultivate any uncultivated land." In practice, pastoralists and subsistence farmers lost any legal recourse against the arrival of powerful outsiders. In 1980, the tribal homelands were formally abolished.

By-passing tribal leaders in fact proved problematic, as many retained the allegiance of their people. In the course of the 1990s, the NIF Government adopted a policy of local co-option which often made tribal leaders more accountable to the interests of the regime than those of their own community.

Shari`a law – the so-called September laws – (1983) and the Civil Transactions Act (1984):

The enactment of the Nimeiri regime's interpretation of Islamic law (Shari`a) restricted, as far as land was concerned, the recognition of custom to those customary laws that conform to Shari`a, and other basic Islamic precepts. As part of the September laws, Nimeiri enacted in 1984 the Civil Transactions Act of which repeals all previous civil legislation including land laws. But Article 559 retains the principle of state ownership of the land: "Land is God's and the State is made successor and responsible for it and owns it. All lands are deemed to be registered under the name of the State and that the provisions of land registration and settlement act were considered."

The Abolition of the Prescription and Limitation Act (date?):

This act ensured that occupation of the land – i.e., use of the land as opposed to registered ownership, the condition of most rural communities outside the Nile valley – would confer no legal rights over the land. In other words, the fact that a community or an individual have been exploiting a piece of land for generations gives them no rights over its future use.

Amendments to the 1984 Civil Transactions Act (1990, 1991, 1993):

These amendments, brought by the NIF Government, not only confirm State ownership over unregistered lands, but more importantly remove any chance of legal redress against the state:'No court is competent to deal with any suit, claim or procedures on land ownership against the Government or any registered owner of investment land allocated to him." In short, the interests of the regime and its supporters are beyond the law. All cases underway before the courts were reportedly thrown out.

Successive Encouragement of Investment Acts (1996, 1999, amended 2000):

These acts are representative of the NIF Government's 'liberalization' efforts. They purport to create a dynamic environment for investors by removing administrative and legal constraints and through the creation of highly centralized Governmental bodies (the General Corporation for Investment, the Ministerial Council) that can allocate resources, land among them. In fact, these acts reinforced the ability of the state at the highest levels – the council of ministers and the presidency – to give national and foreign clients the power to run roughshod over local populations. In particular they led to the establishment of large agricultural schemes in Southern Kordofan (Nuba Mountains), Blue Nile and Upper Nile.

[APPENDICES IN DRAFT—NOT COMPLETE]