

## Review

# The place of spoilers in peace processes in Sudan

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**Based on the concept of ‘spoiling’, this paper posits that it was not only within the domain of the rebels or militia from Southern Sudan or from Darfur to indulge in violent activities that were spoiling peace and stability in Sudan. Rather, the Government of Sudan (GOS), a state actor whose mandate is to protect civilians including their properties perfected the art of spoiling by doing little to encourage peace mediation and frustrating the implementation of peace agreements in Sudan. Using secondary and primary sources of data, this study aims to examine two questions. 1) Why were various actors engaged in spoiling peace in Sudan? 2) What are the relevant internationally recognised mechanisms that are applied to end the action of spoiling in south Sudan? In answering these questions, two key findings are revealed. First, state and non-state actors were locked in violence as a strategy of either retaining status quo, to forcefully take power, or in the worse case to share political seats in the government. Second, in accordance to the institution of the CPA, a formation of the JIU, the launching of Disarmament, Demobilization and Reintegration (DDR) program and attempts made in disarming Other Armed Groups (OAGs) were commendable mechanisms for reacting to spoiler consequences in South Sudan, although, with modest success.**

**Key words:** Sudan, spoilers, civil war, violence, peace agreement, rebel, militia, negotiation.

## INTRODUCTION

According to the literature on the subject under study, various Sudanese Political Governments<sup>1</sup>, rebel movements and militia groups<sup>2</sup> were the main actors, who applied force as their preferred mechanisms for accessing power and resources in Sudan (Daly/Sikainga 1993, De Waal 1997: 96 to 98, African Rights 1997: 18 to 20, 66 to 73, Johnson, 2003; Wassara, 2010).

This use of violence by state and non-state actors is not only a problem exclusive for Sudan alone, rather an issue of common occurrence in many states in Africa. As Ikelegbe and Okumu (2010: 1) point out, armed bands, vigilantes, cultist groups, militias, Islamist militants and

rebel groups, among others are some of the armed non-state groups (ANSGs) that characterise insecurity situations and instil fear to citizens in many African states. Many of these ANSGs are driven by similar objective: a struggle for self determination, political reforms and resource control. But such political struggles result to negative consequences. Wassara (2010: 279) mentions that violence in Sudan does not only result to an elimination of a huge number of people from their lands who seek safety outside the country, but threatens the core development features in a society. Basic services such as educational facilities, health centres, markets, and transport systems as well as buildings are turned into war targets by the army and paramilitary groups in Sudan (ibid). The factors and actors behind escalation of violence in Sudan depicts how militias and rebels may not necessarily be driven by a desire for power, rather merely exists to derail peace processes in Sudan.

Against this background, this particular study seeks to shade more light on reasons behind the violent interaction between state and non state actors in Sudan. Actors over indulge in violence in order to ‘spoil’ peace

<sup>1</sup> There are three different regimes that have ruled Sudan since the second civil war between the Government of Sudan (GOS) and the Sudan People Liberation Movement/ Army (SPLM/A) that begun in 1983 and ended in 2004. These regimes include a) President Nimeiri's government ruling under the National Islamic Front (NIF) party (1969-1985) (b) Prime Minister Sadiq under coalition government of UMMA /Democratic Union Party (DUP) and UMMA/ (NIF) (from 1986-1989) and c) President Bashir first in NIF 1989-90, and forms a new outfit known as National Congress Party ( NCP) from 1990-date (Sidahmed 2010:21, Biel 2010:38-41).

<sup>2</sup> An account of rebel groups in the south is provided in the later part of this paper. They included the main rebel SPLA, SPLA-Nasir faction, SSIM, among others. In Darfur, they include the JEM and SLM among others.

mediations and to frustrate any chances of achieving a peace agreement. This is a general pattern in Sudan. This study aims to examine this claim based on some details on two research problems. Firstly, who were the spoilers of peace in Sudan and why were they involved in 'spoiling'? Second, what international mechanisms exist to respond to the action of spoiling and how do they apply in south Sudan after the enforcement of the 2005 Comprehensive Peace Agreement (CPA)? To respond to these questions, various secondary and primary sources of data were consulted. Firstly, literature that dwells on the root causes of conflicts in Sudan are reviewed with an aim of establishing the main actors behind violence and how conflicts escalated during various periods in Sudan. Secondly, interviews that targeted government authorities in Juba in the year 2008 were conducted and analyzed with the aim of establishing the actors who were actively involved in inciting violence in south Sudan after the enforcement of 2005 CPA. Other primary sources like the CPA, reports on Human Security Baseline Assessment (HSBA) by Small Arms Survey in Sudan, online newspaper articles from the Sudan Tribune have been analysed. Furthermore, the integration of the concept of spoiling is used to explain why actors engage in violence during peace processes in the North-South Sudan nexus. Before going into details of reviewing the main assumptions of the concept of spoiling, it is useful to provide a summary of the evidences of spoiling, which form the core of the discussions in this paper.

Firstly, when the initial negotiations for peace meant to end the civil war between SPLM/A and GOS were taking place (between mid 1980s and early 1990s), the GOS 'hired' the services of Islamic agencies, who were masquerading as relief organisations with an informed goal of reaching out to different people in Sudan. These agencies were responsible for coordinating a new government policy that involved spreading of a new set of Islamic law called Sharia<sup>3</sup> in the entire country<sup>4</sup> (Deng 1995: 12, African Rights, 1997). The objective of the GOS was to create an Islamic state in Sudan, but their undoing involved their negative approach towards this issue because they indulged in forceful strategies as evidenced by their declaration of Jihad war<sup>5</sup> in Sudan (African Rights 1997). In this way, the Islamic agencies were responsible for encouraging violence, thereby discouraging peace negotiations in Sudan.

Secondly, when there were attempts to negotiate peace meant to end the second civil war that broke out in 1983, numerous rebel groups in southern Sudan emerged. These rebel groups were formed by various leaders who belong to different ethnic groups in south

<sup>3</sup> Sharia refers to a set of Islamic religious laws meant to guide both public and private life.

<sup>4</sup> Including those regions inhabited by Christian majority, for example, South Sudan.

<sup>5</sup> Waging Jihad was the government military effort against the SPLA and the non-violent struggle for establishing an Islamic state (African Rights 1997:227).

Sudan. These leaders were competing to access and control relief aid originating from sources like international NGOs and the Operations Lifeline Sudan (OLS). OLS was an umbrella of relief agencies responsible for food aid distribution and provision of welfare services in the government controlled areas as well as the SPLM/A controlled areas (Tvedt, 1994; De Waal, 1997: 97; Riehl, 2001: 6; Johnson, 2003: 144). But in so doing, they were unable to provide proper leadership and became inciters of inter-ethnic violence, thereby escalating armed conflicts among the southern population (African Rights 1997, De Waal, 1997; Johnson, 2003). It is this negative use of ethnic belonging by factional leaders which led to further divisions and splits from the main SPLM/A (Jok and Hutchinson, 1999: 133). As a result of these splits, a long term animosity was created among the southerners—a situation that made it difficult for the southern rebel movement, the SPLA, to maintain common position in exchanging concessions with their arch rival—the GOS<sup>6</sup>. Furthermore, the splinter groups were used by the GOS in a policy of 'divide and rule' following which ethnic violence continued, thereby frustrating peace negotiations.

Thirdly, when the mediation process that was led by the Inter-Governmental Authority of Development (IGAD)<sup>7</sup> and IGAD Partners Forum (IPF)<sup>8</sup> was inching towards achieving a peace agreement, incidences of increased violence linked to activities of the Darfur rebel groups who were reacting to the aggressive policies of the Khartoum regime, particularly in the years 2002 to 3, intensified. These were the periods when important concessions were being exchanged between the GOS and the SPLA in Machakos, Kenya. Having been left out of the agenda for peace, the rebels reverted to violence at the time when peace negotiations between the GOS and the SPLA were showing fruitful results (Johnson, 2003: xix; ISS, 2004; Grawert, 2010; Woodward, 2010: 236).

Fourthly, the GOS constantly used the Lord Resistance Army (LRA), a rebel group which originated from northern Uganda, incited violence in South Sudan during the CPA implementation. It also reached out to some militia groups from southern Sudan and Abyei to cause violence in southern territories thereby frustrating the implementation

<sup>6</sup> For instance, the SPLM's failure to reintegrate opponents in the south during negotiation was exploited by the GOS by using southern militias to violate cessation of hostilities agreement notably in the Shilluk Kingdom in 2004 (Johnson 2003:xix).

<sup>7</sup> Inter-Governmental Authority for Development (IGAD) is an intergovernmental body consisting of states in the Greater Horn of Africa. These include Sudan, Djibouti, Ethiopia, Uganda Kenya, Somalia and Eritrea. It is this body which supported the mediation of peace between the SPLM/A and the GOS leading to CPA in January 2005 (ISS 2004 Young 2007).

<sup>8</sup> IGAD Partners Forum (IPF) consists of representatives from the western states namely, the US, UK, Italy, Netherlands, Norway and the UN (Johnson 2003: xx, ISS 2004, Young 2007). It is as a result of their engagement in facilitating and supporting IGAD in the mediation process that convinced the GOS and SPLM/A to make concessions which begun in Machakos in 2002 ultimately leading to the CPA, which ended the war in January 2005.

of the 2005 Peace Accord (authors' interview with GOSS official, August 15, 2008).

### **CONCEPTUALIZING "SPOILING" AND "SPOILERS" IN PEACE MAKING PROCESSES**

Conceptualization of the concept 'spoiling' leads us to an understanding on why a government and rebel groups resist peace efforts during a civil war. Such a conceptualization is instructive for this particular study because it provides reasons which can be used for the case of Sudan's state and non-state actors' preferences to unleash violence as a means to achieving their end. The main assumptions of the concept of spoiling which are of relevance to this study can be reviewed based on the work by Stedman et al. (2002), Aggestan (2006) and Perlman (2008).

Foremost in a work by Stedman et al. (2002: 12), the authors argue, that sometimes parties at civil war sign peace agreements not for cooperative gains, but for opportunities to prevail to further their actions of violence. They further say that there may be cases where parties to a peace agreement may be sincere to live up to implementation of peace, but may however be forced to contend with spoilers who are not part of that agreement, and who do not have much to lose even when a peace process yields no positive results. Third, implementers face important uncertainties-what Stedman calls "fog of peace on dimensions, like the sincerity of the warring parties and their command and control" (ibid).

Accordingly, Aggestan (2006) provides a second interpretation of the concept of spoiling and spoilers, which can be reviewed as follows:

In his words, the author says that peace processes in many cases create spoilers because contending parties involved in a peace agreement, are sometimes not fully satisfied with the final outcome achieved as a result of negotiations (2006: 23). According to Aggestan, in many cases of negotiations, parties concede a lot of ground but in actual implementation, one party, or even both parties, may find it difficult to implement or even to sustain peace, eventually turning against each other and disowning their deal. In this way, peace agreements are filled with strategic and tactical deception and even those who sign peace agreements may use violence to undermine their partners in peace. Furthermore, as the author states, "those who seek to end a violent conflict will face opposition from parties who are excluded or who exclude themselves from peacemaking" (Aggestan 2006: 23). Such spoilers include leaders and factions who view a particular peace as opposed to their interests and use violence to threaten those who are committed to making peace. They are unwilling to cooperate to realize mutual results, thus, these spoilers see a peace process as interfering with their own interests.

Similarly, a work by Pearlman provides another dimension of the concept spoiling. Pearlman (2008: 85) argues that in any non-state group, leaders of the dominant faction are likely to have the most to gain from a peace process because they expect to be the ones invited to participate in the negotiations. Such outcome that results from participating in mediation, offers individuals the external recognition of their leadership, thereby increasing their chances of access to material resources and institutional power over their rival factions. For the same reason, leaders of subordinate factions are likely to have the most to lose from peace negotiations and become the most likely to undertake spoiling behaviour. Accordingly, spoilers' primary aim may be to affect public opinion in their own community. This means that when people become frustrated with a peace process, an opposition faction may wager that spoiling the peace will increase its popularity. When the public is optimistic about a peace process, the same faction may decide to restrain its militant activity, regardless of its opposition to the agreement. A marginal faction may judge that it has only a slim chance of rallying public support (Pearlman 2008: 84). In all, it is a peace agreement or the prospects of reaching a peace agreement that heighten the contestation over the terms of legitimate representation because it favours some factions and disfavours others. When some factions are invited to the negotiations means others are not. Therefore some actors in a non-state group might initiate peace talks to attain this advantage. Disadvantaged actors will in a similar vain seek to improve their positions, but because they are weaker, they may find few strictly political means at their disposal and violence is the most significant means of leverage over factions that want diplomacy to succeed. However, there exist internationally acceptable mechanisms which can be applied to counter the action of spoiling. A summary on the discussion on these mechanisms is provided subsequently.

### **INTERNATIONALLY ACCEPTABLE MECHANISMS FOR RESPONDING TO SPOILER ACTIONS**

The mechanisms for handling the action of spoiling mainly results from peace agreements signed between former warring parties; a rebel group and a ruling government. Peace agreements subsequently thrive from third party mediation. Power mediation is one form of third party mediation strategy, which is prominently used to resolve overstretched intrastate conflicts. Power mediation mainly takes into account the use of leverage or coercion on the part of a mediator in the form of promised rewards ('carrots') or threatened punishment ('sticks') and may involve the third party as a monitor and guarantor of an agreement (Fisher, 2011: 166). It is applicable when parties under conflicts have shown little

commitment in resolving their conflicts using peaceful methods. The objective of mediation is to support parties under armed conflict to reach peace by delivering enforceable peace agreements. In supporting parties to implement peace, peacekeeping is one of the main mechanisms of third party intervention which increasingly becomes useful. In peacekeeping, the third party provides military personnel in order to monitor a ceasefire or an agreement between antagonists. This may also engage humanitarian activities designed to restore normalcy in concert with civilian personnel who may assist in management of political decision making processes such as elections (ibid). Peacekeeping forces are one of the major instruments for dealing with spoilers if mandated to oversee specific security clauses of peace agreements.

To respond to a post-conflict situation, in many cases, it is the UN peace keeping force that is normally authorised by the UN Security Council to provide for peaceful ways by which rebels and militias can be disarmed and reintegrated in civilian life. This is an additional role of the UN traditional multidimensional monitoring and peace keeping operations that attempt to dissolve militant organisations and return the former fighters to their communities (Humphreys and Weinstein 2007: 531). As the authors mention, efforts to demobilize armed factions and reintegrate individual fighters into civilian life are undertaken as part of Disarmament, Demobilization and Reintegration (DDR) programs (ibid). The formal programs of the DDR date back to the operations of UN observer group in Central America (ONUCA) in 1989. DDR has since then been carried out as part of UN operations in El Salvador, Cambodia, Mozambique, Angola, Liberia, Sierra Leone, Guatemala, Tajikistan, Burundi, among others. This approach was attempted to respond to spoiler activities in Sudan as provided by the institution of the comprehensive peace agreement. The particular section concerned with the improvement of security is Chapter VI of the CPA. It calls for downsizing of the forces and outlaws Other Armed groups (OAGs). It puts emphasis on the implementation of a DDR program accordingly, with the assistance of the international community (GoS/SPLM/A 2005: VI). A section on formation of Joint Integrated Units (JIUs) is yet another important section about security arrangement contained in the CPA. Before getting into further analyses on how the CPA tries to improve security in Sudan, there is a need to consider a discussion on the main actors responsible for spoiling peace in Sudan, as provided subsequently.

## **ACTORS AND FACTORS RESPONSIBLE FOR DISRUPTING THE SUDANESE PEACE PROCESS**

There were numerous actors and factors that posed threat to peace processes in Sudan. In this section, I will review the cases that were disrupting the Sudanese

peace process based on the following sub topics: The role of Islamic agencies; Splits in SPLM/A ranks; GOS and factions within the SPLM/A; the crisis in Darfur; the LRA and other rebel groups. In this case of search for peace in Sudan, a discussion on how the mentioned actors and factors perpetrated aggression in Sudan offer descriptions on how spoiling occurred during the past attempts to peacefully resolve the civil war between the SPLM/A and the GOS.

### **ISLAMIC RELIEF AGENCIES**

Islamic agencies started operating in Sudan in the 1970s, setting up their bases in Khartoum but spreading their work in the entire country. Their initial aim was to support the famine stricken Sudanese with food and other basic needs like water, shelter and medication (African Rights 1997: 198, 222). However, the paradox is that with the increase in number of these agencies at the grass root levels, violence escalated to higher proportions. It is claimed that the Islamic agencies were not involved in the rightful relief activities; rather the agencies were stooges of the GOS, actively supporting the GOS in a project involving the creation of an Islamic state in Sudan. This was done by spreading Sharia<sup>9</sup> which was met through an initiative of president Nimeiri's party- the National Islamic Front (NIF) in their strategy of a 'comprehensive call'<sup>10</sup> in the whole of Sudan (for example, African Rights 1997: 195 to 246). In this section, the paper discusses the specific roles played by Islamic agencies in causing violence in Sudan, at the time that peace negotiation between the GOS and SPLM/A was ongoing. The question is who were these agencies masquerading in the name of supporting the Sudanese, yet in actual sense were involved in acts of violence in Sudan?

Firstly, there was an agency known as Al Ithar. This was a charitable organisation, which was promoting education and *da'awa*<sup>11</sup>. Its responsibility was to give meals during the holy month of Ramadan. This agency was also providing relief food and clothing to poor families. It had a blood donation centre in Gedaref, where citizens were encouraged to donate blood for the army's emergency supplies. Its aim also involved taking care of the widows and orphans of soldiers killed at the war front. But it came to publicly support the NIF policy for Jihad- the holy war (African Rights 1997: 227).

Secondly, there was an NGO known as Nidaa al Jihad (Call of Jihad). It had an objective of promoting a philosophy of Popular Defence, mobilisation of volunteers for war efforts and fighting along with the armed forces, in

<sup>9</sup> The state according to Islamic principle. Islam is a comprehensive, integrated way of life and makes no distinction on the state, society, private and public life as is the case with the Western culture (African Rights 1997:197).

<sup>10</sup> It aims at combating rebellion of all types and forms of conspiracy targeting the Umma ( i.e. state of Islam) and its religion (African Rights 1997:195)

<sup>11</sup> Refers to the comprehensive call.

their wars against the enemies of sharia. Their philosophy was based on fighting and conquering the land of the enemies of Islam. Jihad was their moral and religious duty. This NGO was fulfilling Jihad through direct participation of fighting or through fund raising, providing food and logistics, or supporting the families of mujahidiin (holy warriors) or shuhadah (martyrs). They provided logistics and equipments for mujahidin fighting the SPLA, caring for the families of mujahidiin and shuhadah as well as supporting and providing training for the Popular Defence Forces<sup>12</sup>. It provided assistance to returnees from the SPLA as a gesture of Islam's tolerance and sympathy towards the enemy and supported protected settlements around Juba (African Rights 1997: 228). From this understanding, this agency was an outright supporter and coordinator of violent activities, even at the time when conciliatory efforts were being made to end the civil war between the north and south Sudan.

Thirdly, the National Development Foundation (NDF) was associated with spreading the Jihad war in Sudan. It provided education and vocational training in Da'awa camps and established peace villages and centres of islamisation in Blue Nile states and in some parts of southern Sudan. It was responsible for coordinating the work of governmental and non-governmental Da'awaist organisations in the regions enlisted (African Rights 1997: 230).

The fourth is the Salaam al Izzah (Peace with Pride, PWP), which was a women's organisation. It was providing Mujahidiin and soldiers in the war zones with appropriate type of food which is cost effective and easy to transport. PWP provided Islamist women with a role in Jihad, comparable to that of the male fighters who serve in the front line. As African Rights (1997: 231) put it, it conforms to Prophet Mohamed's Hadith - that those who cater for the needs of Islamic conqueror are conquerors themselves.

Fifth, was the Moslem Women of Southern Sudan Association (MWSSA). The MWSSA was launched following an intervention of President Bashir, who compelled women to wear Islamic Veil (hijab). MWSSA ensured that the Southern Sudanese women in Khartoum complied with the adoption of the hijab. Subsidised dresses were distributed to southern Sudanese women without discriminating their faiths. The MWSSA ultimately became active in promoting Da'awa in displaced camps around Khartoum, organising campaigns of religious educations, rallies and the Ma'idat al Salam (Banquet of Peace) in Ramadan.

Various Islamist NGOs were responsible in encouraging and spreading Islam in support of the GOS policy of Sharia law. They aimed to obtain Muhtadiin (new converts). These are people who have converted to Islam recently, voluntarily and without coercion and with

complete conviction. They have pronounced their conversion in front of sharia judge and their names changed to Muslim names (African Rights 1997: 231). As African Rights (1997: 232) ascertains, major Da'awaist agencies promote Islam as their main responsibility. They were engaged in supporting building of mosques or Islamic schools. In areas as Nuba Mountains and Upper Nile, their strategy was to use schools as centres of converting children to Islam using offers of food and clothes in the government controlled towns (African Rights 1997: 233).

Islamic organisations sponsored Islamic missionary work among the displaced southerners and among the Nuba in the north. Prisoners became a particular target, for Islamic missionary programmes, implemented by organisations like Holy Koran Society and Sudanese organisation for the care of prisoners. Prisons were their centres for promoting a sense of discipline and national loyalty along with provision of intensive courses of Koranic recitations (ibid).

By using coercion the NIF government was recruiting all children including those from Christian faiths into Islam in accordance to the new government policy. This recruitment was done after GOS launched a campaign in 1992, meant to remove vagrant children, comprising of displaced southerners and Nuba from the streets in Khartoum. But the removal of street children was extended to a number of children living with their parents but who were only out for errands in a nearby market or shop. All the children were then taken to rehabilitation camps, where their names are changed to Muslim names, their heads shaved, and they were obliged to wear simple cotton clothes bearing the word 'Children of Sudan'. They were then taught Moslem lifestyle and trained military methods and finally recruited into the army. Similar policies were spread to the juvenile prisons, and displaced people convicted on minor offences against Sharia (African Rights 1997: 235), but people of Muslim faiths were also hostile to some INGOs of Christian affiliations who were distributing food to needy Sudanese. This is because, some of these Christian-based NGOs were giving priority to Sudanese of Christian faiths. As African Rights (1997: 239) points out, the World Vision appeared to give priority in the distribution of food to Christian population and second, it was seen as responsible in creating hostility among the Moslem population. In reaction to this, a world vision truck delivering food to communities along the Blue Nile in Gezira was stoned just before elections in 1986 with people rejecting food of the Kufaar<sup>13</sup>. Military intelligence accused relief agencies and Christian churches of delivering food to the SPLA. The tensions resulted to expulsion of World Vision in late 1986.

This action is in tandem with the observation by Stedman

<sup>12</sup> Popular Defence Force (PDF) is Government sponsored militia operating in Darfur, Nuba Mountains, and southern Kordofan.

<sup>13</sup> In the case of Sudan's Islamisation project, the term Kufaar is used to refer to those who do not practice Islam as a faith, for example the Christians who are mainly found in the southern Sudan.

that there are parties who sign peace agreements not for cooperative gains but for opportunities to prevail to further their actions of violence (Stedman et al. 2002). The description reveals that GOS under leadership of Nimairi had sought the services of Islamic agencies to support their jihad wars after violating the Addis Ababa Agreement, a peace agreement that had settled the first civil war between the north and south Sudan from 1972 to 1983. It can be recalled that the agreement had set provisions for political and economic relations between the north and south and particularly granting southerners some form of autonomy. The agreement provided for the integration of former Anyanya rebels, who were a rebel group from south Sudan into a national army but Nimairi wanted to abolish the southern army in totality. In actual sense, it came clear that when Nimairi finally changed the constitution by inserting the sharia law as the law that henceforth governs Sudan, the point that the government made was that it only entered into the Addis Ababa Agreement as a strategy to win their war, not for cooperation with the South for peace consolidation.

### **SPLITS IN THE RANKS OF SPLM/A**

There were numerous splits in the SPLA, which emerged as a result of competition from different southern rebels over control of relief from the hands of relief agencies that were operating in Sudan. It is important to start by stating that similar to the entry of Islamic relief agencies, other mainstream agencies also began to enter Sudan in the 1970s, during the Sahaline famine that had hit most regions in the greater Horn of Africa (De Waal, 1997: 90). But considering that relief agencies exist for the purpose of supporting the hungry civilians with basic needs like food, water and medication, purposes which are altruistic in nature - the existence of these relief agencies, were nevertheless, very counterproductive. As these agencies continued to operate, instead of their activities leading to de-escalation of conflicts, these agencies, who were operating under the banner of OLS<sup>14</sup> surprisingly fuelled conflicts in the entire Sudan. These conflicts were not only between the GOS and SPLM/A but also between the southern rebels groups themselves. Therefore, there was a direct linkage of relief in emergence of rebellion in the southern Sudan, which can be reviewed as follows.

The prolonged civil war had a serious repercussion on unity of Southern Sudanese. For the southern Sudan leaders, the issue of control of the territory of the south was their main problem not necessarily a service to their own people. African Rights mentions, that in the years from 1988 to 1989, the SPLM gained control of most of the southern Sudan territories, yet it lacked policies for

civilians. It only concentrated and succeeded on military command (African Rights 1997: 277 Jok and Hutchinson, 1999: 128). But two commanders in the rank of SPLM, Riek Machar and Lam Akol attempted to raise concerns of undemocratic principles of John Garang who was the de facto leader of SPLM (Akol, 2003: 12). They felt that the movement leader, John Garang was not open for criticism (Nyaba, 1998: 35). Infact, the OLS, which was a mainstream relief agency, was closer to the population than the southern SPLM who were seen as brutal even to the southern civilians. Riek and Lam protested against the movement's lack of openness and demanded for accountability of their movement to civil society (African Rights 1997: 278, Johnson, 2003: 93 to 4, Oystein, 2005: 35 to 6). Lam Akol, for instance, wanted to use relief operation to create a stronger civil society. But as Johnson rightly points out, the concerns of civil administration throughout much of the SPLA controlled territory remained subordinated to military command and to military goals (2003: 93). Khartoum government agreeing to a military support for the Riek Machar and Lam Akol outfit was a strategy that the two embraced with appreciation in order to sideline Garang and defeat him militarily (Johnson, 2003: 96). These two leaders, Machar and Akol went ahead to form the, SPLM-Nasir, in August 1991, a faction which was sometimes referred to as SPLM-United. This SPLM-Nasir faction went ahead to form a separate relief branch, known as the Relief Association of Southern Sudan (RASS). The RASS received immediate cooperation, recognition and assistance from the OLS and various NGOs. This RASS had a huge consequence based on the fact that it contributed to the immediate splits from the SPLA/M and to its own splits, in the aftermath (African Rights 1997: 288).

The desire to control relief consequently led to devastating, inter-factional violence, which occurred from August 1991 to early 1992. As Jok and Hutchinson (1999: 128) observe, the Bor Massacre and a series of raids against Dinkas from September to November 1991 are the consequences of the splits. In the Bor Massacre of 1992, thousands of civilians were slaughtered, women were raped and livestock and properties were stolen. According to African Rights, these crimes were targeting the Dinka because they were seen to have been the leading beneficiaries during the initial periods of OLS launch, having been an ethnic group from which John Garang, the de-facto leader of SPLM/A hailed from<sup>15</sup>. However this scheme of targeting the Dinkas became a grave mistake. They did not welcome it hands down, but retaliated back vigorously. Then consistent attacks and

<sup>14</sup> Operations Lifeline Sudan (OLS) is an umbrella of relief agencies responsible for food aid distribution and provision of welfare services in the government controlled areas as well as the SPLM/A controlled areas (Tvedt 1994, De Waal 1997:97, Riehl 2001:6, Johnson 2003:144).

<sup>15</sup> One of the Nuer prophets argues that these agencies have caused them serious divisions and conflicts which were not there before their emergence. "When they came and gave the Dinka food, we, the Nuer said that they favour the Dinkas. Now that we get the same treatment, the Dinkas say that we are the only ones benefitting from their projects" (quoted in African Rights 1997).

counter attacks became the order of interaction within the southern group, leading to Dinka-Nuer interethnic fighting. This created animosity among the southerners, a situation which the Khartoum regime used as their weapon for controlling the South.

Further splits became the order of the period. Riek Machar who was together with Lam Akol in a faction of SPLA-United broke ranks. First reason of the split had to do with the competition over control of relief agencies operating in their region, particularly the OLS. Riek Machar went his own way and founded a new movement known as Southern Sudan Independent Movement (SSIM) but retaining RASS. Lam Akol, who remained in the SPLA-United, formed a relief wing called Fashoda Relief and Rehabilitation Association (FRRA). It was used as a bargaining tool for relief and negotiation. SPLA-United used the tactic of abductions and holding hostage the World Food Program (WFP) convoys to raise attention of internal and external actors and to survive as a relevant outfit in south Sudan. Riek Machar retained the Anyanya II approach. Like Anyanya II, Machar thought that an adoption of an ambiguous independence platform would lead to the defection of the entire SPLA to their side and giving them the military clout to break with the government and declare independence. Lam Akol who was directly involved in negotiations with the government had less military capabilities in the movement, adopted the strategy of holding out for independence to obtain a secure autonomy in a federal Sudan (Johnson, 2003: 112). The motive that drove Akol was a desire to get a seat at national and inter-factional peace talks but the approach to getting to these fora continued to spoil peace in Sudan. Secondly, these two leaders had parallel approaches for attaining southern independence and therefore they could not continue to work in the same outfit but went separate ways. Considering these splits informs of a clear case of spoiling of the peace negotiation. There is the issue of power struggle within the mainstream SPLA with three leaders wishing to gain their way - John Garang, Riek Machar and Lam Akol. But the power struggle consequently opens up the action of spoiling. It is clear that the factional splinter groups like the SPLA-United, SSIM among others are formed with an interest of having a political stake and for strategising to access resources. The establishment of SSRA, then RASS and FRRA exist to explain the motive of splinter groups as resource driven in south Sudan during the second civil war. This motive is in line with an observation by Pearlman (2008) that within non-state groups, leaders of dominant factions are likely to have the most gain from a peace process because they expect to be the ones invited to participate in the negotiations. In line with the evidences, the dominant faction leader was the Garang led SPLA and he expected to maintain his grip as a southern leader. Johnson (2003) says that the SPLA-United was to undermine Garang by using tribal groups of the Machar's Nuer community with Akol's Shilluk

community, so that in future negotiations, Machar and Akol would benefit from getting recognition. The only problem with these moves is that the factions provoked interethnic violence between the Dinka-Nuer which led to non-consensus in peace platforms. Peace processes that called for peaceful coexistence were at the same period attempted as war went on. Attempts were made by external mediators who organised round table talks within Sudan, but also in neighbouring capitals of Kenya (Nairobi) and in Ethiopia (Addis- Ababa) (Marial, 2004: 47; El-Tahib, 2004; Seii, 2004: 10 to 15).

### **GOS AND FACTIONS WITHIN SPLM/A**

According to various authors, the second civil war broke out in Sudan in 1983 because in mid 1982, president Nimeiri unilaterally abrogated the law which gave the southern Sudan political autonomy thereby stifling the freedom of majority of southerners from practicing their Christian faith (Wai, 1973; Daly/ Sikainga, 1993; Johnson, 2003; African Rights 1997; Collins, 2008; Wassara, 2010). The Addis Ababa peace accord which was signed between the GOS represented by Nimeiri and Anyanya rebels represented by Lagu, provided that the south would enjoy considerable autonomy with its own executive council and regional assembly (Daly/ Sikainga, 1993: 19; Biel, 2010: 36). The regional government was granted legislative powers over local government. This regional government oversaw education, health, natural resources and public security, while the central government would retain authority over defence, foreign policy, currency, interregional communication and central planning (Wai, 1973: 227; Daly/Sikainga, 1993: 19). The arrangements were given statutory effect in a regional self government act for the southern provinces according to article II. More importantly, there was a joint military commission that was set up to supervise the gradual integration of Anyanya guerrillas into a national army.

However, there were a number of flaws discovered during its implementation. One thing is that the degree of autonomy granted to the south did not measure to a full scale federal government that many of the southerners expected; it however protected the south special character if the agreement would have been honoured by Nimeiri (Daly/Sikainga, 1993: 19). But the institutional framework that was created by the accord was to ensure participation and support, the economic policy was meant to spur development and implementation of Addis Ababa accord would generally cement regional relations. Popular participation waned and even the organs of the Sudan Socialist Union that was comprehensive on paper as to resemble a parallel government, ceased to function (Daly/Sikainga, 1993: 20).

Prior to the abrogation of the Addis Ababa accord, there were external driving forces that had led Nimeiri to rescind from his earlier support to the agreement. First, it

is argued by Johnson that the Addis Ababa Agreement represented a rapprochement between Sudan and Ethiopia. Sudan along with many Arab nations, supported Eritrean separatists and Ethiopian Haile Selassie imposed control over border activity. But his government was replaced by pro-socialists military Derg under control of Mengistu Haile Mariam. Sudan had in the same period come under increased pressure from Arab states, to renew support for Eritrea. This affected relations between Ethiopia and Sudan. This relationship became tense in 1976 after Sudan was cautioned by Ethiopia to cease from supplying the Eritrean rebels and other anti-Derg forces with arms. Nimeiri however continued his support to the rebels in Ethiopia. In 1976, Ethiopia began arming and training Southern guerrillas, the Anyanya II. Libya as well helped Ethiopia in supporting the southern rebels adding to the internal discontent in Sudan. The internal discontent was further exacerbated by consequences of the Cold War in late 1970's to early 1980's. Johnson points out that it was as result of the Cold War that the US increased their arm support to Nimeiri's regime, in an apparent effort of neutralising any regional influence of Ethiopia who was backed by the Soviet Union (Johnson, 2003: 67). With enough weapons under his own control and backed by the Muslim Brotherhood under Turabi, Nimeiri felt safe to go against the Addis Ababa accord of the 1972 to be able to hold a proper grip to the entire Sudan, finally bringing Sudan back to the war ( African Rights 1997: 13).

According to Johnson, the specific issue that led to the outbreak of the second civil war had to do with the action taken by Nimeiri on the Southern Sudanese battalion based in the barracks in southern Sudan. Nimeiri ordered the Sudanese army battalion 105 which was made up of a command of former rebels Anyanya from the Southern Sudan but who were stationed in Bor, Pibor and Ponchalla (2003: 61). The battalion in Bor having read the signs that the GOS was not committed to the spirit of the agreement, refused to abide by the order of Nimeiri requiring the southern soldiers to move to the North in January 1983. As a result, the Sudanese army attacked Bor. The action resulted to mutinies and desertion from garrisons across the south. Soldiers defected to join guerrilla movement spiralling into escape of southerners across the Ethiopian border.

In rebelling against the GOS, the southern formed a new rebel group called SPLM/A that was led by John Garang. Garang's SPLM had a vision of creating a new united Sudan, that which separates state laws from religious principles. However, there were old rebel leaders who had served in the Anyanya and who broke ranks with Garang because to them they wanted to fight for establishment of an autonomous southern Sudan. Given that the SPLM/A had ties with Ethiopian government, it got enough arm support to endear Garang powerful leader to their competitor, Anyanya II faction. Because Garang was receiving arm support from Mengistu, the NIF government, in counteracting this move,

extended support to their rival, the Anyanya II. This is considered as the early incidences of support by GOS in the splits within the southern rebels. What is interesting is that both the Garang's SPLM/A and Anyanya II were seeking to forcefully control the entire south. The two groups continued to develop different alliances based on their tribal origins. The SPLM/A, led largely by Dinka commanders, was aligned with Ethiopia, while the Nuer dominated Anyanya II was eventually aligned with the GOS. As Young (2006) argues, in the struggle for the mantle of leading rebel group in the South the SPLM/A triumphed. The victory led to the absorption of some Anyanya II members into the SPLM/A; those remaining aligned with the government of Nimeiri. The forces that did not integrate eventually constituted one source of recruits to the future Southern Sudan defence force. But the event which had to do with the overthrow of Mengistu, the external supporter of SPLA came as a blessing to the GOS but a curse to Sudan's stability. This overthrow of Mengistu in which occurred in 1991, seriously weakened the SPLA but contrarily provided an opportunity for GOS to split the movement further. It is during this same period that Riek Machar and his Nuer followers decamped, seriously weakening the SPLM/A. These interlinked events led the Government of Sudan to increasingly look to a military victory, and not peace negotiations, to bring the conflict to an end (ISS, 2004: 3). GOS continued the tactic of splitting the SPLA rebels and inciting them against each other. This divides and rule tactic begun after the SPLA was split between the Garang led SPLA, and the Riek/Lam SPLA-Nasir or SPLA-United. A main factor, which perpetuated the splits, was the old rivalry between the Dinka and the Nuer tribal groups of Southern Sudan. As Johnson rightly points out, many Nuer who rallied to the Nasir commanders did so because they thought that Nuer would rule as Dinka's had already had their share before (Johnson 2003: 117). The intervention by the GOS in these splits was inevitable when SPLA-United commanders from Jikany and Lou approached the government in Malakal seeking arms to fight Garang. They were supported with arms freely and they took initiatives of arming their fellow citizens. This led to fighting throughout the early part of 1994 leading to deaths of 1200 persons. An inter-Nuer peace conference was held at Akobo as an attempt to resolve the inter-Nuer relations (Johnson, 2003: 118). The reformulation of SPLA-United in 1993 did not have the desired effect as many officials quite the movement on grounds that Lam Akol continued to collaborate with the government. More splits could be followed from personal initiatives such as the Kerubino's SPLA-Bahr al-Ghazal which was a militia of the government. His strategy was to destabilize northern Bahr al-Ghazal in 1994 but was defeated by SPLA soldiers and retreated to Abyei where the government reinstated him to the army. Kerubino's targets were civilians and he did not seek to attack SPLA units. There was Paulino Matip, who was a major General in Sudanese army but theoretically part of



South Sudan Independent Army (SSIA). There were proliferations of many named rebel groups finding their way with the government internal peace of 1997. There were the SSIM, SPLA-Bahr al-Ghazal group, Independent Bor Group, Equatoria defence force. Then there was William Nyuon faction splitting from Garang SPLA and turned to harass members of SPLA mainstream in Eastern Equatoria. Nyuon faction assumed a pattern of abducting young boys as a tool for negotiating relief control. He came up with SSIM-2 formed in 1995, an alliance with Garang's faction. This split worked to the advantage of the GOS. The GOS recaptured a number of Garrison posts for intelligence and for supplying anti-SPLA militia and new factions (African Rights 1997: 283). This created a safe zone for Sudanese troops, who moved without hindrance in the SPLA-Nasir controlled region in 1992. The GOS managed to sustain survival of Riek faction and encourage further splits. All this shows the inner motives of splinter groups, who are spoilers in Sudan's peace processes. Peace negotiation outcomes offer individuals external recognition of their leadership and increase their access to material resources and institutional power over rival factions. This fact reveals why the SPLA continued to gain recognition from external actors, like Ethiopia Mengistu and a growing recognition especially in the IGAD and IPF mediated talks. In the same vain, the SPLA-United wanted to control the south because their motivation was to access relief as shown with efforts to create RASS and FRRA. But it is also the case that in actual sense, the move by Riek and Lam to have different faction only meant to respond to ethnic belonging and thereby lead their own Nuer and Shilluk ethnic group in opposite direction to the Garang's group. In fact Riek had claimed that the SPLA of Garang was not interested in protecting the Nuer group. Such use of ethnic belonging to win support in recognition fit with Pearlman explanation that spoilers' primary aim may be to affect public opinion in their own community. Lam and Riek had sustained Shilluk and Nuer followership respectively, since they could appeal to their own tribal groups. They were appealing to their community members, claiming that they are the right men to represent them in their liberation.

## THE CRISIS IN DARFUR

The armed conflicts in Darfur erupted in 2003, when a rebel group of Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) attacked towns, government facilities and civilians in Darfur, resulting to deaths of hundreds of policemen and civilians and the break down of law and order in Darfur (Okeke, 2010: 66). When the government of Sudan begun responding to these attacks it did not only target the rebels but indiscriminately killed civilians particularly people of the Fur and Zagawa tribes in Darfur. The GOS unleashed its army who used air bombardments and

services of a government backed militias known as the Janjaweed who were also supported by Popular Defence Force (PDF) - another government backed militia (Flint and De Waal, 2005; Prunier, 2008; Okeke, 2010: 67). The war in Darfur resulted into over 300,000 deaths and displacement of over 2.5 million people from their homes. However, since the Darfur conflict begun, a growing number of rebels have come into existence.

Firstly, The Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) were the two main Darfur based rebel groups that launched the initial rebellion against the Sudanese government in 2003. The JEM<sup>16</sup> has always had a centralized leadership structure, while the SLA began as a fragile alliance of rival leaders with strong ties to their home regions and ethnic groups (Prunier, 2005; Fick and Omer, 2009: 2; Grawert, 2010: 252). The SLA has its roots in the self-defence militias formed by communities in western Darfur in the mid-1990s to protect non-Arabs from attacks. This resulted during the late 1980s and 1990s, when the Khartoum government consistently backed Arab groups in violent, racially driven conflicts to take land from non-Arab groups (Fick, 2009: 3). The SLA was split into three factions in late 2005. These splinter groups are SLA-led by Abdel Wahid, SLA-Minni Minawi, and a group of SLA-Abdel Wahid's former commanders (ibid). A main concern is that these divided factions have brought relief to the government and GOS uses the splits to fuel inter ethnic violence in Darfur. But the linkage of Darfur armed conflicts to the larger civil war between the north and south Sudan is observable when the scale of the conflict in Darfur flared in late 2002 and early 2003 as peace agreement between the GOS and SPLM/A was inching closer<sup>17</sup>. Apparently, the Darfur rebels had read the signs that the Machakos Protocol that brought a lot of exchange in concessions between the SPLM/A and the GOS was to offer them the best time to be included in serious negotiation (Woodward, 2010). At the same time, the NCP had reacted in the same vigorous proportion by unleashing the local armed militia the Janjaweed to fight the rebels in Darfur. The SPLM/A call for a new Sudan were attempted to embrace all the marginalised areas in the country. There had been links between the SPLM/A and Darfur rebels. But Darfur rebels were not beneficiaries of the process. These rebels included some former NCP Darfurians who had split along with Turabi in 1999. To them, exchanging concessions that resulted to

<sup>16</sup> JEM began with strong leadership from former government minister, Dr. Khalil Ibrahim, a national political agenda, and a loyal and capable fighting force composed almost exclusively of ethnic Zaghawas (Fick 2009). JEM has always had better access than the SLA to funding sources and supporters outside of Sudan because of its Islamist roots, its connections to the Zaghawa Diaspora in Chad and elsewhere, and its relationships with financiers in the Persian Gulf. Over time, the JEM has become the largest and most militarily significant rebel group in Darfur

<sup>17</sup> marginalized political leaders and supporters from Darfur's Fur, Zaghawa, and Massaleit communities combined their self-defense militias to form the SLA and began attacking government posts in Darfur.

Machakos protocol appeared to be that the NCP was weakened. In this way, their way to advance their cause was to take up arms at the same period the peace agreement between the GOS and SPLM/A was inching closer. But such action only resulted to destruction of hundreds of villages, displacement of tens of thousands of people as well as deaths of thousands as a result of this particular conflict. Many more were internally displaced persons (IDPs) within Darfur, or refugees in Chad.

The conflict in Darfur had potentially resulted to cross border hostilities with regard to relations between Khartoum and Chad. This can be well understood considering the role ethnicity plays in determining support from the N'djamena and Khartoum regimes, respectively. Prior to 2005 Déby the president of Chad was a loyal ally of the regime in Sudan (Tubiana, 2011). He consistently refused to supply aid to Sudanese rebels, whether from Darfur or South Sudan despite requests to do so since the early 1990's. But from 2003 he was unable to stop the two armed opposition movements in Darfur, the Sudan Liberation Army (SLA) and JEM, from using Chad as a rear base and in recruiting combatants even among the Chadian Republican Guard. Chadian Republican Guard is a pillar of his regime which garnering support among the Chadian Beri, including those close to the government. In March and April 2003, Déby sent Chadian troops to fight the SLA and JEM inside Darfur. Not surprisingly, however, Beri soldiers from Chad showed little inclination to fight against other Beri and gave the Darfur opposition forces advance warning of the attack. In return, in particular since 2005, Bashir started to support Chadian armed opposition groups seeking rear bases and arms in Khartoum. As Tubiana, 2011 continue to point out, these proxy war were therefore deeply intertwined with long-standing cross-border ethnic relations and conflicts. However, the real turning point in hostile bilateral relations between N'djamena and Khartoum came in December 2005. Chadian rebel force arriving from neighbouring West Darfur had a backing from the GOS. They then attacked the Chadian border town of Adré. Déby did not take it easy but retaliated by increasing support to the Darfur rebels. The climax of this relation was reached when separate attacks on N'Djamena were made the base of the proxy war. This occurred in the following systematic ways (Tubiana, 2011:16).

Firstly, in April 2006, was a work of the FUC, led by Mahamat Nour Abdelkarim. Second was an assault that constituted the most serious threat to the Chadian government. A coalition of forces attacked Chad between 28 January and 3 February 2008, just prior to the deployment of the 3,700-strong EU Force (EUFOR), the EU peacekeeping force. President Déby managed to repel both challenges with support from France and from some of the Darfur rebel movements, especially JEM.

There were three distinct groups that made up the

attacking force: the Union des forces pour la démocratie et le développement (UFDD), led by the Goran Mahamat Nouri; its Arab breakaway UFDD-Fondamentale (UFDD-F) led by Abdul Wahid Aboud Makaye; and Timan Erdimi's Rassemblement pour les forces du changement (RFC). A fourth group, was the Front pour le salut de la république (FSR), led by Ahmat Hassaballah Soubiane, did not join the main offensive, but profited from the distraction to mount a lightning attack on the border town of Adré with some 250 combatants (Tubiana, 2011: 6). As victory looked increasingly possible, discussions began over how to share power in the new government. While the rebels' internal quarrelling slowed the offensive, it also helped the French decide whom they would support. Sensing the prospect of a rebel victory, the French manoeuvred to protect their key interest: a continuing beneficial relationship with Chad (ibid). While the French had initially assured the rebels not to intervene if the rebels could unite they eventually swung behind the government, concluding that if the rebels were unable to fight together for a greater cause, they would not be able to govern effectively.

Weeks after the raid, in March 2008, Chad and Sudan signed a non-aggression pact at the summit of the Organization of the Islamic Conference in Dakar, Senegal. It was their sixth attempt at reconciliation in five years. But the accord was quickly brought to an end, this time by JEM's spectacular raid on Khartoum in May 2008. The attack mirrored the February 2008 attack on N'Djaména that in Sudan it was interpreted as an act of retaliation by Chad. Such a relation has led to proliferation of more rebels between Chad and Sudan and more arms that have resulted to increased insecurity in Chad as it is in Sudan (ibid). As analysts observe, although the CPA is said to be comprehensive, it was not comprehensive enough to address all the conflicts in Sudan. The case of Darfur conflicts reveals this gap. As a reaction for peaceful resolution of conflicts the AU appointed a committee, the AUHPD, which was led by Thabo Mbeki. This AUHPD was established in February 2009 had a mandate of examining the situation in Darfur and then to submit its recommendation on how to address issues of accountability, combating impunity, peace, justice and reconciliation to the GOS for appropriate implementation (AUPD report 2009: i). A report by the panel recommended a launch of Darfur negotiations which emphasises on inclusiveness of a formal Agreement between the Government and all armed groups to suspend hostilities and settle for a binding truce (Sudan Tribune Newspaper, January 2010).

## LRA AND OTHER REBEL GROUPS

During the implementation of the CPA, southern Sudan continued to register armed conflicts which were unleashed by LRA rebel group and a number of southern

Sudanese militias. To understand how the LRA became a threat to Southern Sudanese, it is crucial to begin by establishing its origins before getting to analyse its role as a spoiler for the Sudan's CPA.

The Lord Resistance Army (LRA) is a regional rebel group, which has its background from the Northern part of Uganda. It was forced out of Uganda by the Museveni's regime after they declared a war against Museveni. The LRA wanted to oust Museveni from power, because according to them, Museveni's regime had politically and economically marginalised the northern Ugandans. But Museveni's army, the Uganda People Defence Force overpowered the LRA, who later on escaped across the border between Uganda and Southern Sudan, straddling the forests of Democratic republic of Congo and moving to reside in south Sudan. Their migration occurred at that time when the war between the SPLA and GOS reached its peak. The GOS in seeking the services of LRA provided the rebels with arms, sanctuary in the north and grounds for training, in agreement for support in proxy warfare against both the SPLA and the UPDF. At the same time the LRA obtained supplies and assistance in its attempt to overthrow the regime of president Museveni of Uganda. But in retaliation, Museveni's government cooperated with the SPLM. Museveni's regime supported the SPLM with arms and training grounds in order to resist the LRA and fight the GOS (Woodward 2003: 60). In this way, Uganda was thus drawn in the SPLM/GOS war in a very direct manner. Relations between the Ethiopian government and Sudan were deteriorating due to claims made by the GOS that the Ethiopian governments in the early 1990s were arming the SPLM rebels.

These activities of the LRA continued until the CPA was signed in 2005. They declined but never came to an end even during the implementation of the CPA. Such an action signified that the GOS was insincere to the spirit and the later of the agreement. It is revealed that in 2006, the LRA rebels attacked civilians in the eastern Equatoria, which led to deaths of civilians. In 2008, there were similar claims from GOSS officials that the LRA cause the instability in the south Sudan during the implementation of peace. The LRA group particularly had in 2009 reportedly abducted the civilians in the areas of Equatoria<sup>18</sup>. The SPLA particularly blame the GOS, their partner to the agreement to have solicited the services of LRA at a time that both parties are bound by an agreement which required their commitment. The SPLA who made initiative of mediating the conflicts between LRA and GOU perceived their peace effort as being frustrated by the GOS who they regard as obstructing

<sup>18</sup> According to an interview with the chairman on parliamentary committee on security in the regional government of GOSS, June 2010. The official says the NCP bear responsibility of loss of lives in the south and want investigations to be conducted by the ICC. Date, 22.06.10. besides the allegation of supporting the LRA, the committee expressed regret that some militias in the south continue to work with the GOS.

realisation of peace both internally and across the region<sup>19</sup>.

Another rebel that has fought alongside the GOS since the 1983 outbreak of civil war had been used by the GOS to form part of the military of the JIU in accordance to the CPA but they were still leading violent attacks in the border regions. Paulina Matip militias continued to remain armed against the spirit of the CPA<sup>20</sup>.

There was numerous evidence that revealed violent activities of militias at the close of the transition periods of the CPA implementation. For instance, there was increased violence in the areas of Abyei during the January 2011 referendum, in which the southerners were voting to secede into an independent state, in accordance to the CPA<sup>21</sup>. The implementation lagged behind as a result of lack of commitment in the implementation of the security arrangement. In particular, the absorption of SAF and SPLA soldiers in a transitional JIU to patrol the common border was a source of contention from both the SPLM/A and NCP side. lack of sincerity with regard to the GOS contributed to setbacks in reaching peace even as the implementation of the CPA was set to reaching an advanced stage (Katete, 2010: 164 to 165).

As Stedman says, implementers can face important uncertainty like the fog of peace on dimensions like sincerity of the warring parties and their command and control. The sincerity of GOS is tested in regard to use of LRA to cause systematic attack in the south in the second year of the peace agreement implementation. There were evidences attributed to murder of civilians in the Equatoria similar to past violence before the CPA was signed. Revelations made were that Khartoum continued to support the LRA with arms. Stedman argues that actors not satisfied with the terms of an agreement will engage in spoiling behaviour unless third parties suppress, accommodate, or co-opt them as appropriate

<sup>19</sup> The GOSS attempted to mediate a ceasefire accord between the GOU and LRA which was signed by Museveni's representative but evaded by LRA leader, Kony. This ceasefire was meant to resolve the long armed conflict between the LRA and GOS stretching back to 1986 but it is held by the GOSS that Khartoum were behind frustrating further progress in peace because they continued to provide Kony with safe sanctuary, against the odds of the peace agreement (interview anonymous GOSS representative; Juba 2009).

<sup>20</sup> GONU official in the ministry of culture in Khartoum gave an account of the serious threats militias pose to the GOSS and the CPA. His view was that the mere presence of a known militia is a direct threat to stability even before they engage into any violence. But later it was revealed that Paulina Matip was kept afloat by the Khartoum government leading to Kiir forging a personal reconciliation with his southern 'brother' where he incorporated Matip into his Government as a regional governor. Moreover, an extended account in this interview revealed existence of cross border violent activities of tribal groups sharing resources but who continue clashing to gain access to water and pasture. Although having no serious threat to the CPA implantation is assumed that can lead to continued instabilities across the border of Kenya, Uganda and Sudan with small arms landing to wrong hands ( interviews with Alier 2009 and Ngesu, 2007).

<sup>21</sup> In the one week exercise from January 11-17 2011, the southerners affirm overwhelmingly to break into own state come July 2011(Sudan Tribune Newspaper). But there were flare ups in the areas of Abyei linked to activities of Arab militias contesting local ownership of the region and which further attempted to destabilise the voting exercise during the January 2011 referendum for decision by southern Sudanese to secede in their own state.

to address these actors' total, limited or greedy goals. "Peace processes create spoilers because contending parties to peace are not fully satisfied with the final outcome resulting from exchange of demands for realisation of peace" (Aggestan, 2006). This argument holds particularly considering the behaviour of GoS during the CPA implementation. For GOS, they are not satisfied that their project of Islamizing the entire Sudan fails to reach the south which finally remains a Christian and autonomous territory, therefore their continued use of violence by arming the LRA and militias to disrupt implementation and revert to the old Sudan. For the SPLM/A the question of ownership of Abyei and parts of Blue Nile bothers them despite the special protocols for these contested regions. The enforcement of the CPA of 2005 tried to respond to many actions of spoiling. This was made possible according to engagement of state and international actors in the CPA implementation during the transition period of January (2005 to 2011). Subsequently, the study turns to analyse how the power and security arrangement protocols attempted to respond to spoiler action in Southern Sudan.

### **The CPA attempts to end the action of spoiling in South Sudan**

The implementation of the Sudan's CPA from January 2005 to July 2011 resulted to crucial political changes that were never experienced at war time. First, there was a process of legalizing the institution of the CPA to form part of the interim laws in Sudan (Sidahmed, 2010: 24). Formation of a semi-autonomous Government of Southern Sudan (GoSS) in 2005 which independently conducted political reforms in the south was an important achievement that managed to instil peace and order in the south. In forming a transitional Government of National Unity (GNU), and inclusion of a portion of southern Sudanese politicians into the presidency, for example the vice-presidency which went to Garang and later assumed by Kiir after Garang's death, was to keep to the spirit of power sharing, a commendable political process for consolidating peace between the GOS and the SPLM/A. Besides, the inclusion of many other leaders, for example Riek Machar and Lam Akol who were key actors at war time was meant to integrate all the splinter forces into working together in accordance to the spirit of power sharing in the GoSS and GNU. These appointments were in line with the Protocol on power sharing based on sections 1.4, 2.3.5, 2.5.5 of the peace agreement (GOS/SPLA, 2005: 12, 21 and 24).

Another useful area is linked to the security arrangement in the CPA. Chapter six of the CPA provides for principles of proportional downsizing of the forces on both sides (GoS and SPLM/A, 2005: 87). In Paragraph VII, the CPA outlaws Other Armed groups (OAGs) allied to either party- the SPLM and the GOS. The agreement provides

for the implementation of a DDR program accordingly, with the assistance of the international community (GoS/SPLM/A, 2005). It calls for the establishment of a National DDR Coordination Council (NDDRCC) tasked with overseeing both a Northern and a Southern Sudan DDR Commission (NSDDRC and SSDDRC). These commissions were each mandated to design, implement, and manage the DDR process in their respective regions (GoS and SPLM/A, 2005: 119). Furthermore, the CPA provides for a formation of Joint Integrated Units (JIUs), consisting of equal numbers from the SAF and the SPLA as a symbol of national unity and sovereignty during the six-year interim period. The planned size of the JIUs was 39,000 soldiers, to be deployed mostly in the South (24,000), but with additional units in Khartoum, the Nuba Mountains, and Southern Blue Nile (GOS/SPLM/A, 2005).

In implementing the section on DDR, there were International supports for the DDR commissions, provided through an Interim United Nation's DDR (IUNDDR) Unit. This unit was made up of the UN Mission in Sudan (UNMIS), UNDP, the UN Children's Fund (UNICEF), the World Food Program (WFP), and the UN Population Fund (Ryan, 2011).

Obstacles in implementing the JIU were not unusual based on the historical animosity between the SAF and the SPLA. Craze (2011) points out of serious altercation between the SPLA and SAF contingents of the JIU stationed in Abyei town in May 2011, which sparked a wider conflagration in which more than 60,000 inhabitants fled and much of the town was burned.

There was a process of disarming of the so called Other Armed Groups (OAGs) in south Sudan. It was faced with some obstacles but still indicated that south Sudan can make some strides when reconciliations is given key priority. The President of South Sudan, Salva Kiir, took a lead in this imitative of reconciling the SPLM/A with other former splinter group leaders starting with a speech during his inauguration as the first vice president of Sudan on 11 August 2005, Kiir held a series of informal meetings with the SSDF leadership during which he made clear that he favoured reconciliation. Young (2006) observes that Kiir made initiatives of appointing some 20 people from the SSDF as commissioners, three as members of the regional assembly in Juba, and later one as a minister, and to assign an unspecified number to state legislatures. This process of reconciliation was conducted under a declaration namely "Juba declaration" (SPLA, 2006). The Juba declaration; signed on 8 January 2006 primarily called for a 'complete and unconditional unity' between the two groups (SPLA, 2006; Young, 2006). As Young says, this declaration helped in improving political climate in the South, and led to increased dialogue between the SPLM/A and the SSDF. But as observed elsewhere by Rogier, 2005: 2, it is unlikely that all SSDF members will abide by the call for unconditional unity because some of them are encouraged

by Khartoum will continue to play a spoiling role.

With regard to the implementation of the DDR program in south Sudan, there were resistance in the process of disarming former combatants and civilians, which again was not unusual considering suspicions between the SPLA and other rebel groups in the south Sudan. Ryan (2011: 87) argues that there were two intertwined problems behind the DDR program in south Sudan before secession.

Firstly, the SPLA was not well represented only one SPLA staff member serving as a liaison officer in the SSDDRC's. The SPLA did not take part in the technical planning and implementation of DDR. Subsequently, it failed to help in sensitizing the participants to participate in disarmament and demobilization process. In addition, some of the factional former SSDF armed groups understand the DDR as a program initiated by the SPLM/A to target them. As Arnold (2007: 493) argues some members of the SSDF for example, are simply resistant to the disarmament program because they wish to continue protecting the identity of the SSDF.

Attempts were launched to disarm civilians who were still in possession of firearms in all the ten states in south Sudan. This process started with an order from an operational order No. 1/2008 of 22 May 2008 of Kiir. The objective of the order was to 'peacefully' ask all the civilians in ten states to turn over of firearms to state authorities and SPLA forces within a six-month period starting on 1 June. This order was a response to the first attempts of disarming civilians in the year 2006 in which the SPLA conducted a forcible civilian disarmament operation in northern Jonglei State that collected 3,000 weapons (O' Brien 2009). As O' Brien argues the campaign was ethnically focused on the Lou Nuer and politically motivated, not based on community-level security dynamics. The approach was militaristic and poorly planned, and included few security guarantees. The community targeted rebelled, more than 1,600 lives were lost.

## CONCLUSION

Spoilers mainly engage in violence as a strategy to access power and control resources. Spoilers are created as a result of internal insecurities in a state; they are however sustained by external actors and external conditions impacting directly on an intrastate war. This case of armed conflicts in Sudan confirms why spoilers emerged and why they are sustained.

Evidences on how violence were perpetrated by various actors, informs on the specific roles of spoilers in peace processes in Sudan. The GOS being principle actor adopted different strategies. Using the Islamic agents, they perfected the art of holding to power. Using divide and rule strategies, the GOS sustained splits within the SPLM - splits which caused more harm to southerners and further weakening the rebels who

continued to spoil mediation of peace in Sudan. Those who felt left out in the peace process, like the Darfur rebels were committed to ensure the CPA is not implemented before a consideration of their demands.

In reaction to the activities of spoiling, the CPA of 2005 was an important institution that managed to constrain mainstream spoilers - the GOS and the SPLM/A from indulging into further aggressions. It provided for South Sudan to vote in a referendum and form its own state, perhaps one solution to controlling further consequences of the action of spoiling with the north. However, insecurities in the south prior to secession in July 2011 were immense meaning spoilers can not be adequately done with as a result of state secession. Security can be well instilled when institutional provisions and the constitution are adhered to. There are provisions on security arrangement emphasising on how former combatant who are outside the SPLM/A or SAF can go through the process of demobilisation to restore security situation in southern Sudan but again a great portion are not ready for demobilisation. Therefore, the reality about spoiling still remains as South Sudan walks through the path of building its state.

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