The Inter-Sudanese Consultation on Peace and Justice (ISCOP)

Report of the First Meeting

Addis Ababa, Ethiopia

June 2003
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I. List of Participants to the First ISCOP Meeting

I. Chairmen

1. Professor Washington A. J. Okumu, Chairman of ISCOP, Vice-Chairman of ARI, Commissioner for Peace and Governance and Executive Director for Eastern and Central Africa
2. Viscount Brentford, Deputy Chairman of ISCOP, RFI Chairman

II. Sudanese Participants

A. Sudan

1. H.E. Dr. Tag Elsir Mahgoub Ali
2. Professor Yusuf Fadl Hassan
3. Ms Amira Yousif Adam Haroun
4. Professor Farouk Mohammed Kadouda
5. General Yousif Ahmed Yousif
6. Professor Hassan Makki Mohammed Ahmed
7. Mr Rabie Hassan Ahmed
8. Ambassador Mathiang Malual Mabur
9. Mrs Mariam Al Mahdi
10. Mr Hussein Ibrahim
11. Mrs Amna Ahmed Rahma
12. Mrs Alawiyya Jamal
13. Mulana Abel Alier
14. Dr Lam Akol
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16. Professor Ajang Bior Duot Bior
17. Professor Alamin Hamouda Dabib
18. Mr Abdalla Altom Emam
19. Mrs Amna Derar
20. Professor Mohammed El-Mahdi Beshir
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D. Kenya

22. Mrs Mary Nyaulang
23. Mr Telar Deng
24. Dr Justin Yaac Arop
25. Mr Daniel Wuor Joak
26. Mr Kosti Manibe
27. Mr Arthur Akuein Chol
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III. Paper Presenters

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IV. International Participants

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1. Mr Joseph G. L. G. M, Hoenen, First Secretary, Governance and Gender, Embassy of the Kingdom of the Netherlands in Nairobi

2. Mr David Mozersky, Analyst, International Crisis Group

B. Sudan

3. Mr Marv Koop, Chief Technical Advisor, UNDP

4. H. E. Kent Degerfelt, Ambassador of EU to Sudan

C. Ethiopia

5. H.E. Hakan Akesson, Ambassador of Sweden to Ethiopia

6. Mr Marco Maria Cerbo, Second Secretary of the Italian Embassy

7. Ms Marian Casey, Humanitarian Advisor, CIDA

8. Dr Jelal Abdel Lateef, Expert, World Bank

D. Germany

9. Dr Christoph Jaeger, Programme Co-ordinator, Max Planck Institute for Comparative Public Law and International Law
V. International Facilitators

1. Dr Michael Schluter, RFI Research Director
2. Dr Edward A. Christow, Executive Secretary and Research Manager, RFI
3. Mr Stephen J. Stordy, RFI Finance and Development Manager
4. Mr Peter Dixon, RFI Chief Executive
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6. Mr Isaiah Diero, Assistant to the Chairman

VI. Apologies

1. Dr Kamal Obeid
2. Dr Taiser Ahmed Ali
3. Professor Ibrahim Hassan Abdel Galil
4. Dr Sayed el-Khateeb
5. Dr Mohammed Elmukhtar Hassan Hussein
6. Dr Abdel Rahman Ibrahim El Khalifa
7. Mr Osman Khalid Mudawi
8. Dr Priscilla Joseph Koug
9. Dr Sumaia Abukashawa
10. Mr Wani Igga
11. Mr John Luk Jok
12. Dr Peter Nyot Kok
13. Ms Rebecca J. Okwaci
14. Dr Ahmed Diraige
15. Mr Abdalla Hassan Ahmed
16. Eng. Khalifa Mahdi
17. Gen. (Retd.) Fadlalla Burma Nasir
18. Mr Taban Deng
19. Mr James Kok
20. Dr Martin Etore
21. Dr Sharif Harir
22. Mr Jim Dunlap, Department of State, US
23. Mr Alan Goulty, Foreign and Commonwealth Office, UK
24. Mr Kjell Hodnebo, Ministry of Foreign Affairs, Norway
25. Ambassador Josef Bucher, Federal Department of Foreign Affairs, Switzerland
26. Mr John Jackson, CIDA, Canada
27. Mr Per Lindgarde, Swedish Embassy, Kenya
28. Ambassador William Patey, UK Embassy, Sudan
29. Ambassador Mathias Meyer, German Embassy, Sudan
30. Ambassador Luigi Costa San Severino Di Bisignano, Italian Embassy, Sudan
31. Ambassador Dominique Renaux, French Embassy, Sudan
II. Observations and Recommendations on Outstanding Issues of the IGAD Peace Process

The Inter-Sudanese Consultation on Peace and Justice (ISCOP), which represents the political forces and civil society organisations in the Sudan, met in Addis Ababa, Ethiopia, from 25th to 29th June, 2003, to consider, inter alia, the progress made in the Machakos Peace Process and ways in which it could be supported and reinvigorated to expedite the achievement of a just and lasting peace in the Sudan.

The Consultation recognized the considerable progress made in the Machakos Peace Process and the emerging consensus of opinion that peace now seems inevitable and that a Peace Agreement is imminently in sight. However, it was also widely recognized that there remain issues in the negotiations on which the positions of the two parties are still far apart. Considering that the parties may have exhausted their negotiating options, it is now for the mediators and others to propose solutions aimed at achieving a just and sustainable peace.

In doing so, it is important to bear in mind that there are critical issues at the root of the conflict which must be addressed fairly and resolutely if a just and durable peace is to be achieved. It should also be recognized that resolving these issues may itself require confidence-building measures through a process that goes beyond the impending agreement and whose results will only be realized and consolidated progressively and incrementally.

In addition to the unresolved issues in the negotiations between the two parties, the Consultation deliberated on the concerns of the other parties outside the Machakos negotiations and how they might be addressed to promote inclusivity in the peace process.

This appeal outlines the observations and recommendations of the Consultation on these two sets of issues within and outside the negotiation process and what the IGAD envoys,
mediators and observers might do or are called upon to do in order to enhance the realization of a speedy, just and comprehensive peace in the Sudan.

Among the areas in which there are issues yet to be resolved are: the parameters of self-determination, power sharing, wealth sharing, security arrangements, the national capital, the status of the three contested areas, human rights, gender issues, political freedom, inclusiveness and implementation mechanisms. The Consultation intends this appeal to present the views of the other stakeholders to ensure the greatest possible acceptance and legitimacy for the formal peace agreement. It will also assure the two negotiating parties of the support of the political parties and civil society in agreeing on compromise positions on these outstanding issues.

**Affirmation of the Machakos Protocol**

ISCOP reaffirms support for the Machakos Protocol of 20 July 2002 agreed upon between the Government of The Sudan (GoS) and the Sudan Peoples Liberation Movement and Army (SPLM/A).

**The Right of Self-determination**

The Consultation also reaffirms the right of self-determination for the South, as agreed under the Machakos Protocol, to be exercised after a six-year interim period preceded by a six-month pre-interim period. It is understood and agreed that this right entitles the people of the South to decide whether to remain within an agreed framework of national unity or become a fully independent state. It is further agreed that unity will be given priority.
Making Unity Attractive

For unity to be genuine and sustainable, it has to be consensual. And for the South to prefer unity over secession, it has to be in the mutual interest of the North and the South and attractive enough to win the Southern vote.

The Consultation is of the opinion that making unity attractive to the South will depend on the substantive content of the agreement that will be concluded by the parties and the extent to which it will be sincerely and effectively implemented.

Power Sharing

ISCOP members looked at the participation of the South in the national institutions from the consideration that it should reflect population size as well as the principle of affirmative action to make unity attractive to the Southerners. It is therefore recommended that a credible internationally supported and monitored census be carried out as soon as possible during the first half of the interim period.

It is noted that the first of the three censuses conducted since independence gave Southern Sudan one third, that is 33.3% of the national population. It is also noted that subsequent censuses were conducted during two civil wars and did not therefore cover all of Southern Sudan. Hence the estimated populations of the Southern Sudan were less than one third of the national population.

The parties will have to reach an agreement on the estimated population of Southern Sudan, for lack of accurate census figures. These estimates will be used for purposes of power and wealth sharing during the interim period.

Whatever is agreed upon by the parties as the estimated percentage of the population of Southern Sudan will be supplemented by an additional equitable percentage number representing affirmative action.
A census shall be conducted at the end of the war. The results of such census will be adopted as the basis for power and wealth sharing thereafter.

ISCOP further recommends that the representation of the South in the House of Representatives (National Assembly), the Council of Ministers, the Civil Service and the Judiciary be higher than 33.3%, the nominal percentage generally accepted as the proportion of Southerners to the rest of the country.

The Ministries constituting the Council of Ministers are categorised into four clusters: Sovereignty, Economic, Services and Guidance. The South shall be represented in each of the four clusters by the percentages agreed upon above.

Participation in the House of States will be based on equal representation of the States. Hence, the Southern representation in the House will be 38.5%. However, decisions of the House that have a bearing on the South and that impinge on the Peace Agreement will be passed by a two-thirds majority.

On the issue of the Presidency, ISCOP members considered various possibilities, including rotational (between two) and collective presidency (Supreme Council). The overwhelming view was for one President (the incumbent) and one Vice President (to be nominated by the SPLM/A). However, some members were of the opinion that the Presidency should be formed by a Council of five members: two from the South and three from the rest of the country. The Chairman of the Council should be the incumbent President and the Vice Chairman should be nominated by the SPLM/A. The other two from the North are to represent either regions or party affiliations.

As was the case in the Addis Ababa Agreement, the two signatories of the Peace Agreement shall form a supreme authority that shall take decisions on matters related to the implementation of the Agreement referred to it by the Joint Military Commission and the Joint Cease-Fire Commission.
Wealth Sharing

On wealth sharing, while there were some differences on the percentages for sharing oil revenue and other sources of wealth, the position of the parties appeared to be close and bridgeable. The issue of land ownership appeared to be more contentious, between Government and community ownership. The Consultation recommends balancing these two claims, with due consideration being given to traditional concepts of communal ownership, with group and individual rights to land use. The Consultation was also of the view that those communities and individuals who had been dispossessed of their land as a result of various forms of external intervention, in particular by oil companies and other investors, should be entitled to a just compensation.

Security Arrangements

Discussion on security arrangements focused on whether there should be one national army or two armies, with the SPLM/A maintaining a separate army during the interim period. Building on the experience of the Addis Ababa Agreement, the Consultation recommends that it would not be advisable to integrate the two armies during the interim period. Within this framework, it is recommended that South-South and North-North dialogue be intensified.

The National Capital

In view of the sensitivity of the issue and to reconcile the strong arguments on both sides, the Consultation recommends that the national capital should have boundaries delineated from the State in which it is physically located. It should enjoy a special status as the administrative centre of the National Government and its constitution and laws should reflect the full religious and cultural diversity of the Sudanese. It should provide an environment where every Sudanese person is free to enjoy his fundamental rights and full freedom as a citizen.
Fundamental Human Rights and Freedoms

The Consultation is of the opinion that the respect of human rights and the exercise of fundamental freedoms are basic to the democratic practice during and after the interim period. It therefore recommends that the Peace Agreement should include a clear commitment by both parties to all international agreements on human rights and fundamental liberties to which the GoS is a signatory.

Gender Issues

The Consultation recognises and considered the vital role of women in mitigating the effects of war and post war reconstruction.

It is noted with satisfaction that Sudanese women from all sides have done a great deal in establishing peace dialogue and promoting a culture of peace.

The Consultation recommends that women be represented in the various instruments and institutions of the pre-interim and interim periods.\(^1\)

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\(^1\) An alternative version of this paragraph, proposed at the Consultation, is as follows:
The Consultation recognises the Common Agenda of Sudanese Women and recommends that women be allocated 30% of positions in the various Commissions, various instruments and institutions of the pre-interim and interim periods.

It is noted with satisfaction that Sudanese women from both South and North have exerted efforts in establishing a peace dialogue and promoting a culture of peace.

The Consultation recommends that:
\[\text{a. } \text{Women be represented in the Commissions of power sharing, wealth sharing the judiciary and in the National Constitutional Review Commission.}\]
\[\text{b. } \text{Women be included in the Independent Assessment and Evaluation Commission during the interim period.}\]

Urgent affirmative action be undertaken to offer women appointments, education, training and health services.

*The Chairman of ISCOP has undertaken to determine which is the final version.*
**Freedom of Political Association**

ISCOP recommends that the GoS and the SPLM/A include in their agreement a new law guaranteeing freedom of political association and the right of any group of citizens to form themselves into political parties.

**Inclusiveness**

The Consultation recommends that the two parties include measures in their agreement that enhance the inclusion of political forces and civil society organisations in the peace process. Necessary avenues should be provided to facilitate the expression of new ideas and positions contributing to the success of the peace process. ISCOP also recommends the representation of a broad range of these forces in the proposed National Constitutional Review Commission and the interim administrations at all levels.

**Implementation Mechanisms**

As additional guarantees to the implementation of the peace agreement, international supervision and monitoring will be necessary. The IGAD, Italy, Norway, the UK and the USA, and a representation from the UN, EU, AU, Arab League and others should provide the necessary support.

**Transmission of the Observations and Recommendations**

The Consultation resolves to mandate their Chairman to transmit these observations and recommendations to the IGAD team of mediators, the observers, member states of IGAD and the Parties in the peace process and to call upon them to act with a sense of urgency.
III. Observations and Recommendations on the Three Contested Areas

The Inter Sudanese Consultation on Peace and Justice (ISCOP), which represents the Sudanese political forces and civil society organisations in the Sudan, met in Addis Ababa, Ethiopia, from 25th to 29th June, 2003, to consider ways in which the achievement of a just and lasting peace in the Sudan might be expedited. The Consultation considered, inter alia, the situation in the three contested areas.

Abyei

Abyei has a special ethnic and cultural link to the South. The Addis Ababa Agreement of 1972 provided that the people of Abyei be given the right to decide by referendum whether to join the South or remain in the North. This right was also reaffirmed by the Khartoum Agreement of 1997. Therefore, the Consultation recommends that the people of Abyei be given the same right granted to them in the Addis Ababa Agreement. This is to take place well before the referendum in the South. Furthermore, prior to the exercise of that right, the people of Abyei are to enjoy self-administration with clearly defined powers.

The Nuba Mountains and Southern Blue Nile

The two areas are part of the North, but with distinctive historical and cultural peculiarities and special grievances. The Consultation recommends that they be granted regional autonomy within the federal system in the North, based on respect for their cultures. The Consultation recommends affirmative action be undertaken to offer them services and development opportunities.²

² An alternative version of this paragraph, proposed at the Consultation, is as follows:
The two areas are part of Northern Sudan, according to the provincial boundaries as they stood on 1 January 1956, but with distinctive historical and cultural peculiarities and special grievances. The Consultation recommends that they be granted regional autonomy within the federal system with clear named share in power and wealth. The two areas show ethnic, religious and cultural plurality. Eventually, laws to rule these two areas are to respond to such plurality. The two areas are supporting the
Transmission of the Observations and Recommendations

The Consultation resolves to mandate their Chairman to transmit these observations and recommendations to the Kenyan Three Areas Forum and to call upon them to act with a sense of urgency.

unity of the Sudan, but if any part of the Sudan opts for secession, at the end of the six-year interim period, the two areas should have the right to opt for being part of the North or the South or take other options. The Consultation recommends affirmative action be undertaken to offer them services and development opportunities. *The Chairman of ISCOP has undertaken to determine which is the final version.*
IV. Observations and Recommendations on Darfur and Eastern Sudan

The Inter Sudanese Consultation on Peace and Justice (ISCOP), which represents the Sudanese political forces and civil society organisations in the Sudan, met in Addis Ababa, Ethiopia, from 25th to 29th June, 2003, to consider ways in which the achievement of a just and lasting peace in the Sudan might be expedited. The Consultation considered, inter alia, the situation in Darfur and Eastern Sudan.

The Consultation unanimously acknowledged that the problem in Darfur is of a political nature and calls for political solution. Hence, it appeals to the Government of Sudan and those carrying arms in Darfur to enter into immediate, unconditional and credible dialogue to address the root causes of the problem. The Consultation further believes that a stand-down of the military activities will foster a conducive atmosphere both for the negotiations and the rendering of relief services to the suffering population affected by war.

In this context the Consultation noted that the Peace Agreement does not address the problems afflicting other disadvantaged areas of Sudan such as the Eastern Sudan (The Beja). This issue should be addressed as a matter of urgency so that Sudan enjoys comprehensive and sustainable peace and stability.

Transmission of the Observations and Recommendations

The Consultation resolves to mandate their Chairman to transmit these observations and recommendations to the Government of Sudan and to call upon them to act with a sense of urgency.
Section B

V. List of Papers Presented and Associated Discussion

Paper 1

Development: Project and Policy Priorities in the War-Torn Areas During the Pre-Interim and Interim Periods

by

Dr Tag Elsir Mahgoub

EXECUTIVE SUMMARY

The issue of development in the war-torn areas in the Sudan during the pre-interim periods is complex and hence requires a very rational and objective approach for it to produce the desired outcome.

Launching any development policies and projects in a fragile and unstable environment, without effecting the necessary remedial measures in terms of institutional, structural and behavioural reforms will be futile, will thwart all efforts and waste valuable resources.

It is therefore critical that the development effort follows a logical and consistent pattern along the following lines:

(a) The set-up of governments guided by good governance principles to ensure the establishment of an institutional base that provides for the efficient management of resources.

(b) The improvement of government efficiency, accountability, responsiveness, predictability and participation.

(c) Reinforcing the need for transparency in public finance administration.
(d) The emphasis on capacity building as the cornerstone for development, to ensure effective management of operations and to create legitimacy and trust in state institutions.

(e) The need for quick start/impact programs and their effect on the psychological adjustment and stability.

(f) Definition of the modalities for the implementation of quick start/impact programs and the vision for medium and long-term projects.

(g) Ensuring that long-term projects focus on policies and programs that lay the foundation for an effective state machinery, that is properly manned and supported by effective systems to maximize output.

(h) The long-range programs should be based on strategic vision and planning to address the tapping of long-term potential for economic growth and the pressing needs of people for existence which manifest themselves in the yearning for shelter, basic health, education and potable water.
INTRODUCTION

One of the most crucial and testing challenges in the post-war period in Sudan is the rational approach to effective development through a focused emphasis on the real and carefully identified priority needs to be addressed within a short time frame to create stability and hopefully sustainability to an area that has been ravaged by war. Within this context, what is important is the shift from the traditional approach to development effectiveness which helps focus on results and impact, and which will be incomplete without a concomitant interest in identifying the key drivers of development, the critical dimensions of which are seriousness, urgency and growth. Development effectiveness further raises broader questions regarding relevant development strategies, which should include a clear vision, a sound mission and a deeply thought-out set of supporting values. These broader issues need to be thoroughly scrutinized and translated into relevant policies and workable programs to realize the vision.

It is also important to note that the government alone, with the scanty resources as they are, will not be able to satisfy all requirements, however realistic they may be, and it is also worth noting that a comprehensive peace agreement will create an environment for expanded assistance programs for the country to cater for short-term quick-impact crash programs and long-term development programs as well. This will put a big burden on policy makers and executors to create a sound foundation to ensure both the formulation of sound policies and projects, and efficiency in carrying them out to the satisfaction of the people. To be able to do that a set of conditions will be necessary:

1. **INSTITUTIONAL PRE-REQUISITES**
   (a) Government and Governance

   The most important pre-requisite to my mind is an establishment of a government that is fully aware of its extraordinary role in a post-war
interim period and its commitment to good governance principles which should include:

(i) A democratic political regime

(ii) The capacity of government to design, formulate and implement policies and discharge functions.

(iii) The process by which authority is exercised in the management of a country’s economic and social resources for development.

(iv) Defining the role of public authorities in establishing the environment in which economic operators function and in determining the distribution of benefits as well as the nature of the relationship between the ruler and the ruled.

(v) Awareness of the key aspects of the agenda for governance development and reform which include the role of law, eliminating corruption and other rent-seeking activities, transparency in public services to ensure efficiency and effectiveness, reduction of uncertainty and instability in the economic and political environment.

(vi) Adopting the concept of humane governance which redresses inhumane governance persistent problems. The failure to meet basic needs, discrimination and denial of human rights to women, indigenous people and others, failure to protect the environment and to safeguard the interests of future generations, lack of progress in creating stability and abolishing war and failure to achieve the spread of transnational democracy.

(b) Improving government efficiency, accountability and responsiveness

The role of government in creating a sound institutional structure in a post-war environment is clear. It helps observe fundamental principles of good governance which are accountability, transparency, predictability and participation. Within this context governments should provide high-quality services though responsive organizations that meet citizen’s needs with a minimum of corruption. The establishment of ethical norms for economic
transactions and service delivery through decentralized and democratized administrative and political institutions is therefore a crucial pre-requisite. Among the most important institutions required are those that disseminate, inculcate and reinforce ethical norms of behaviour. Widespread corruption in public and private transactions is one indication that in many developing countries institutions for enforcing ethical norms are weak. Corruption is reflected in bribery, extortion, influence peddling, nepotism, speed-money, compliance fees, fraud, falsification of reports or applications, conflict of interest, extravagance with public funds, favouritism in purchasing contracts, collusion, etc. Widespread unchecked corruption seriously weakens or destroys people’s trust in public policies, wastes resources and seriously damages the prospects for economic progress. It hampers efficient decisions, reduces return or investment, impedes foreign capital inflows, makes public investment in infrastructure more expensive and skews assignment of tax revenues towards economically non-productive and socially inequitable activities.

That is why inculcation of sound ethical norms of behaviour is a very critical pre-requisite to effective development.

(c) Transparency in public financial administration

Transparency denotes free access to governmental political and economic activities and decisions. It enables all stakeholders in a country to see the structure and functions of the government, its policy intentions and fiscal projections and accounts for past periods. The main purpose of opening those windows is to render those inside accountable and answerable for their decisions and action.

There is now a growing demand for fiscal accountability which addresses use of public funds, transparency of national statistics, balance of payments, etc.
The genesis of the current emphasis on financial accountability can be attributed to some factors, as follows:

(i) Two decades of fiscal turbulence have contributed to a substantial erosion of credibility of governmental fiscal machinery, and to a growing distrust of governments.

(ii) There has been a major change in the composition of expenditure of central and federal governments. Apart from sizeable outlays on the servicing of public debt and on entitlement payments, expenditure at the central government level are increasingly devoted to contract payments, transfers to the private sector, and transfers to regional and local governments. This has contributed to a separation of funding from the actual provision of services and has affected the pattern of financial accountability.

(iii) The rapid and significant expansion of the scope of financial accountability requires governments to be accountable for ensuring that there are adequate systems to secure and improve results and to maintain the financial condition of the state. Furthermore governments are expected to demonstrate that the selected programs are part of the legitimate functions of a government and that the community can afford them.

Fiscal transparency and accountability which deals with financial discipline, compliance with laws and budgets, strategic prioritization of resource allocation is therefore a very critical pre-requisite to sound economic governance as it imposes discipline on national authorities and lessens the likelihood of making imprudent policy decisions particularly in the sphere of development.
(d) Capacity building

The critical role of enhancing leadership management and administrative capacity to ensure effective implementation of policies and programs in the development agenda should be emphasized. The creation of core groups in the management hierarchical structure is mandatory for them to effectively manage operations to create tangible output.

The key issues that have been identified as being key challenges facing top leadership are:

(i) Developing future managers
(ii) Promoting horizontal management
(iii) Introducing performance management in public services
(iv) Managing rapid change
(v) Designing a strategic vision and developing own-thinking capacity
(vi) Assessing and addressing the impact of HIV/AIDS

More specifically the following issues need to be confronted in a post-war environment:

(i) Affirming that stability and security are key to promoting sustainable reform and development. Special strategies need to be in place to ensure that the seeds of conflict are not planted again.

(ii) Creating legitimacy and trust in state institutions is critical. This can be done by establishing strong participation mechanisms and by defining in a transparent manner the roles and relationships of different spheres of government. It includes also the development of an administrative culture based on the rule of law and a system that ensures security to attract investment and encourage property ownership.

(iii) Developing cross-sectoral approach to solving problems to reduce poverty. Aspects that need attention are financing development,
developing civic engagement, improving service delivery, especially in education, health and water and promoting horizontal management.

(iv) Preparing a trained cadre targeting the following audiences:
(a) Policy makers, such as ministers and parliamentarians in all levels of government
(b) Senior civil servants
(c) Junior civil servants
(d) Potential managers who are still at University and other tertiary level institutions
(e) A mixed group from public sector, civil society and private sector

(v) Putting in place systems to run the state machinery such as financial systems, personnel systems and follow-up systems to manage efficiency in performance.

All these issues taken together lay the foundation for maximum utilization of resources for the benefit of development.

2. **QUICK IMPACT CRASH PROGRAMME DURING THE PRE-INTERMIN PERIOD**

No doubt the need for quick start/impact crash programs is critical for the psychological readjustment and stabilization process. Upon finalization of a peace agreement people will want to see their expectations realized, and to see is to believe. For that purpose a forum was convened in Nairobi, Kenya, on 9 May 2003 at the technical level to discuss implementation modalities related to capacity building and program modalities for the pre-interim period. The following background statement was adopted:

‘A comprehensive peace agreement will create an environment for expanded assistance programs for the people of Sudan. The first need will be to expand humanitarian aid programs as access is gained to areas that were formerly insecure. Preparations must also
begin for long-term development programs including a new way of planning and co-ordinating assistance that moves away from the cross-border nature of humanitarian assistance during the civil war. There is also a need for a program that provides rapid tangible benefits to Sudanese in the first six months after a peace agreement, and for capacity building that gives the necessary support to Sudanese in their preparation for the transitional government in the pre-interim period. These processes must start immediately and run parallel to the on-going peace process. The quick start/impact program will aim to build public confidence in the on-going process of political transition and provide tangible benefits at the community level.’

The purpose of the quick start/impact programs is to create an enabling environment for the Sudanese people to work together as partners for the six-year interim period. The focus will be the war-affected areas and populations of the Sudan with particular attention to the emerging civil administration in Southern Sudan. The plans and programs should be discussed with a broad spectrum of Sudanese society to ensure expectations of benefits are realistic. To make peace sustainable the necessary urgency is required.

The forum has also specific capacity building and planning for the pre-interim period as the issues with the utmost urgency and has thus developed a set of principles, priority areas, and modalities in both priority areas, and I feel it is important to quote them as follows:

(a) Capacity Building

(i) Principles

1. To develop a Sudanese owned and led countrywide approach focusing on all levels with special attention to war affected areas and populations.
2. To strengthen structures, institutions and procedures that ensure effective development, management of transparent and accountable governance and respect for human rights.

3. To secure an effective popular participation in planning and implementation at all levels.

4. To ensure an efficient and equitable allocation and utilization of resources by authorities, civil society and local populations to focus on poverty reduction and sustained peace.

5. To ensure efficient delivery of services.

6. To promote conflict prevention and management, peace building, human rights and sustainability.

7. To optimize the use of Sudanese capabilities to promote self-reliance of the Sudanese people.

(ii) Priority areas

1. Needs assessment including data gathering, surveys and analysis.

2. Capacity to co-ordinate, implement and deliver.

3. Human resource development including essential social services.

4. Governance and public administration to include financial and administrative systems and management, justice and rule of law.

5. Social capital building to include strengthening civil society, community empowerment and effective return and integration of displaced persons.

6. Development and economic policy, poverty reduction and economic management.

(iii) Modalities

1. Programs for capacity building should focus on immediate needs as well as the requirements of the anticipated 6-month pre-interim period.

2. Planning and design of programs that fit within priority areas may start immediately.
3. Following agreement on scope and content of programs between relevant parties and implementing international organizations (UN, WB, IMF and others) the activity will proceed.

4. Implementing international organizations will keep all parties informed of progress and will abide by the principles and priority areas identified above.

5. Capacity building programs, consistent with identified priority areas above, may be developed and implemented individually or jointly by/with the parties.

6. Each side will facilitate information exchange and communication through a designated focal point.

7. Efforts should be made to mobilize resources from the donor community and international organizations to support this capacity building.

(b) Joint Planning Mechanism (JPM)

(i) Terms of reference for the JPM during the pre-interim period:

1. To assist the two parties to (a) assess needs, (b) develop priorities, and (c) draw up action plans for implementation.

2. To assist with the harmonization of priorities.

3. To co-ordinate and present the common plan containing the priorities so identified by the two parties.

4. Monitor, review and report on the planning and implementation of the quick start/impact program.

(ii) Modalities

1. The parties agreed that the JPM will meet in approximately one month’s time (preferably in Nairobi) to follow up from the Sudan Technical Meeting on 9-10 May 2003 in Nairobi.

2. The parties agreed that the JPM should focus on the following areas for quick start/impact programming:
(a) Capacity building at all levels, with special attention to the war affected areas.
(b) Return and reintegration of displaced persons and refugees.
(c) Economic development, including development of small-scale enterprises.
(d) Development of infrastructure.
(e) Rehabilitation of basic services: health, education (including HIV/AIDS awareness and prevention), water and sanitation, and food security.
(f) Data collection and surveys for analysis and policy formation.
(g) Governance, law and order, and human rights.
(h) Welfare and social development.
(i) Peace culture and information.
(j) Mine action programs.

(c) Expected outcome of the quick start/impact programs
   (i) Provide psychological readjustment needed after many years of warfare.
   (ii) Contribute to provision of an environment conducive to the return and reintegration of the displaced.
   (iii) Provide for the satisfaction of basic human needs in shelter, water, health services and food security.
   (iv) Help mobilize people to participate in development and to provide moral support to the government.
   (v) Alleviate the feeling of bitterness.
   (vi) Help the government to maintain law and order.
   (vii) Contribute to the quest for national unity and sustainable peace.
3. **LONG-TERM DEVELOPMENT PLANS AND PROJECTS**

(a) **Structural Infrastructure**

The interim period, which is six years long, will be expected to set extensive development programs in several spheres which are summarized according to the peace agreement in the following:

(i) **Institutional Set-Up**

Setting up the structure of government, with all its components; the government, the local governments, the legislature and the judiciary. This set-up, for it to be effective, needs to be carefully worked out and developed to carry out the work whether it be short-term, quick impact programs or long-range development projects. It will either lay the foundation for efficiency or apathy and indifference, which will result either in proper deployment of resources or unbridled waste.

(ii) **Manning**

Efficient and capable human resources are critical to running the state machinery. Planning the selection, skill building and training of the human resources is obviously one of the top priorities in the post-war development agenda. Equally important is the placement in jobs and avoiding ‘square pegs in round holes’. All development efforts will be thwarted and jeopardized if the manpower is not well selected, well placed and well trained. Such an effort to be effective requires a top-down skill building strategy aimed at all target groups from the government down to the average worker. Of high priority is vocational training to match the development needs in infrastructure.

(iii) **Systems**

A long-range plan for systems implementation is crucial. It is therefore important to establish effective systems at the outset with the help of consultants to avoid day one deviation, which may create a work culture abortive to all development efforts. The areas that need immediate attention are:
• Effective organizational structure
• Finance and personnel systems
• Auditing system
• Compensation and benefits and manpower planning
• Assessment of management potential and selection criteria.

However, in implementing set-ups and systems, some pitfalls should be avoided, namely:
(a) Big central government
(b) Strong preference for centralized control despite decentralization rhetoric
(c) Ethos of political expediency and political reciprocity.
(d) Resistance to change.

4. **MAJOR SHORT AND LONG TERM INFRASTRUCTURE PROGRAMS**

Having put the proper groundwork for institutional and capacity building within the framework of good and human governance, and having set going the quick start/impact program, concerned parties should engage in mapping out the strategic infrastructure programs required within the interim period. The objective of course will be to achieve sustainable peace through tangible development projects aimed at the betterment of the quality of human life. The focus of attention should be on the following:

(a) **Projects that help in sustaining human life**

    These are the projects that cannot be achieved during the pre-interim period and will have to extend through the interim period as well. Such projects should be aimed at providing the infrastructure for life maintenance and they include:

    (i) Agricultural infrastructure in the form of small plots, seeds and tools for individual and family food security, with the objective of revolutionizing the whole agricultural sector.
(ii) Settlement for the returnees, with the basic needs for human settlement (peace villages).

(iii) Basic health facilities that provide first aid and life-saving drugs.

(iv) Provision of potable water as a quick measure.

SHORT-TERM MEASURES

1. Educational Services
   - Providing for basic education and planning for the establishment of good schooling environment.
   - Supporting higher education institutions to provide for manpower needs.

2. Health Services
   - Rehabilitation of existing hospitals and provision of medicine.
   - The establishment of health centres to provide necessary health services.
   - Sanitation services.
   - Support manpower such as medical assistants, nurses and midwives.

3. Water Services
   - Digging wells
   - Piping and networks for residential areas, particularly in major townships.

4. Power
   - Rehabilitation of electricity networks and provision of power generators where necessary.
   - Provision of gas for household use.
   - Provision of cooking equipment (small cookers and ovens).
LONG-TERM PROJECTS FOR ECONOMIC GROWTH AND DEVELOPMENT

1. **Transport and Communications**
   To enhance economic growth transport and communications is crucial. Therefore special emphasis should be placed on the following:
   - Roads that provide access to national ports and markets, and for interstate trade
   - Rehabilitation of the railroad and river transport
   - Aviation services – passenger and cargo
   - Telecommunications services.

2. **Agricultural Infrastructure**
   - Rehabilitation of war-devastated infrastructures such as dams, factories, plantations, etc.
   - Building new infrastructures needed for economic growth in the rich agricultural zones in the south
   - Provision of agricultural machinery and tools
   - Intensifying orientation and guidance program and field inspection.

3. **Animal Resources and Fisheries**
   - Upgrading veterinary services and mobile clinics for animal health
   - Breed development through cross-breeding or artificial insemination
   - Looking into the prospects of slaughter houses for export
   - Starting diary farming, poultry and emphasizing and promoting the fishing sector.

4. **Power Infrastructure**
   - Provision of power for the agricultural sector
   - Provision of power for the industrial sector
   - Expanding electrical networking
   - Prospecting power generation projects.
5. **Information**
   - Radio and television centres in major township
   - Viewer clubs in villages
   - Printing press.

6. **Training Institutions**
   - Equipping existing vocational training centres and increasing capacity
   - Skill building training centres
   - Information technology training
   - Health services training.

7. **The Seat of Governments**
   - State and government headquarters and department buildings
   - Local councils headquarters
   - Furnishing and equipment

### OTHER INFRASTRUCTURES

1. **Town Planning**
   
   For provision of good services and to facilitate future town growth and development, town planning is necessary. The success of all areas above depends on good town planning, which if possible should precede engagement in real human life development.

2. **The Value System**
   
   A final area that should be emphasized is the creation of a value system that deepens the sense of achievement and challenge to bridge the gap in development. The value system should be based on a clear vision and mission that drives all people leaders and masses to engage in the development marathon.
**BIBLIOGRAPHY**

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
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<tbody>
<tr>
<td>Richard Falk</td>
<td>On Human Governance, University Park, PA, The Pennsylvania State University, 1995</td>
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<tr>
<td>Suresh Shendi &amp; Tony Bennett</td>
<td>Concept paper on Transparency and Accountability, 4th Global Forum – Marrakech</td>
</tr>
<tr>
<td>John-Mary Kauzya</td>
<td>Leadership Capacity Enhancement Initiative – Department of Social and Economic Affairs (DESA) UN.</td>
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<tr>
<td>Sudan Technical Meeting</td>
<td>Capacity Building and the Creation of a Joint Planning Mechanism – Nairobi, Kenya</td>
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ATTACHMENT:

ASSESSMENT FRAMEWORK FOR GOOD GOVERNANCE
SEARCH QUESTIONS THAT NEED TO BE CONSIDERED

A. Citizenship, Law and Rights

1. Nationhood and citizenship
   Is there public agreement on a common citizenship without discrimination?
   (a) How inclusive is the political nation and state citizenship of all who live within the territory?
   (b) How far are cultural differences acknowledged, and how well are minorities protected?
   (c) How much consensus is there on state boundaries and constitutional arrangements?
   (d) How far do constitutional and political arrangements enable major societal divisions to be moderated or reconciled?
   (e) How impartial and inclusive are the procedures for amending the constitution?
   (f) What measures, if any, are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?

2. The Rule of Law and Access to Justice
   Are state and society consistently subject to the law?
   (a) How far is the rule of law operative throughout the territory?
   (b) To what extent are all public officials subject to the rule of law and to transparent rules in the performance of their functions?
   (c) How independent are the courts and the judiciary from the executive, and how free are they from all kinds of interference?
(d) How equal and secure is the access of citizens to justice, to due process and to redress in the event of mal-administration?
(e) How far do the criminal justice and penal systems observe due rules of impartial and equitable treatment in their operations?
(f) How much confidence do people have in the legal system to deliver fair and effective justice?
(g) What measures, if any, are being taken to remedy publicly identified problems in the field, and what degree of political priority and public support do they have?

3. **Civil and Political Rights**
Are civil and political rights equally guaranteed for all?
(a) How free are all people from physical violation of their person, and from fear from it?
(b) How effective and equal is the protection of the freedoms of movement, expression, association and assembly?
(c) How secure is the freedom for all to practise their own religion, language or culture?
(d) How free from harassment and intimidation are individuals and groups working to improve human rights?
(e) What measures, if any, are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?

4. **Economic and Social Rights**
Are economic and social rights equally guaranteed for all?
(a) How far is access to work or social security available to all, without discrimination?
(b) How effectively are the basic necessities of life guaranteed, including adequate food, shelter and clean water?
(c) To what extent is the health of the population protected, in all spheres and stages of life?
(d) How extensive and inclusive is the right to education, including education in the rights and responsibilities of citizenship?
(e) How free are trade unions and other work-related associations to organize and represent their members’ interests?
(f) How rigorous and transparent are the rules on corporate governance, and how effectively are corporations regulated in the public interest?
(g) What measures, if any, are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?

B. Representative and Accountable Government

1. Free and Fair Elections

Do elections give the people control over governments and their policies?
(a) How far is appointment to governmental and legislative office determined by popular competitive election, and how frequently do elections lead to change in the governing parties or personnel?
(b) How inclusive and accessible for all citizens are the registration and voting procedures, how independent are they of government and party control, and how free from intimidation and abuse?
(c) How fair are the procedures for the registration of candidates and parties, and how far is there fair access for them to the media and other means of communication with the voters?
(d) How effective a range of choice does the electoral and party system allow the voters, how equally do their votes count, and how closely does the composition of the legislature and the selection of the executive reflect the choices they make?
(e) How far does the legislature reflect the social composition of the electorate?
What proportion of the electorate votes, and how far are the election results accepted by all political forces in the country and outside?

What measures, if any, are being taken to remedy publicly identified problems in the field, and what degree of political priority and public support do they have?

2. Democratic Role of Political Parties
   Does the party system assist the working of democracy?
   (a) How freely are parties able to form, recruit members and campaign for office?
   (b) How effective is the party system in forming and sustaining governments in office?
   (c) How free are opposition or non-governing parties to organise within the legislature, and how effectively do they contribute to government accountability?
   (d) How fair and effective are the rules governing party discipline in the legislature?
   (e) How far are parties effective as membership organisations and how far are members able to influence party policy and candidate selection?
   (f) How far does the system of party financing prevent the subordination of parties to special interests?
   (g) To what extent do parties cross ethnic, religious and linguistic divisions?
   (h) What measures, if any, are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?

3. Government Effectiveness and Accountability
   Is government accountable to the people and their representatives?
   (a) How far is the elected government able to influence or control those matters that are important to the lives of its people, and how well is it informed, organized and resourced to do so?
(b) How much public confidence is there in the effectiveness of government and its political leadership?
(c) How effective and open to scrutiny is the control exercised by elected leaders and their ministers over their administrative staff and other executive agencies?
(d) How extensive and effective are the powers of the legislature to initiate, scrutinize and amend legislation?
(e) How extensive and effective are the powers of the legislature to scrutinize the executive and hold it to account?
(f) How rigorous are the procedures for approval and supervision of taxation and public expenditure?
(g) How comprehensive and effective is legislation giving citizens the right of access to government information?
(h) What measures, if any, are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?

4. **Civilian Control of the Military and Police**

Are the military and police forces under civilian control?

(a) How effective is civilian control over the armed forces, and how free is political life from military involvement?
(b) How publicly accountable are the police and security services for their activities?
(c) How far does the composition of the army, policy and security services reflect the social composition of society at large?
(d) How free is the country from the operation of paramilitary units, private armies, ‘warlordism’ and criminal Mafias?
(e) What measures, if any, are being taken to remedy publicly identified problems in the field, and what degree of political priority and public support do they have?
5. Minimizing Corruption

Are public officials free from corruption?
(a) How effective is the separation of public office, elected and non-elected, from party advantage and the personal business and family interests of office holders?
(b) How effective are arrangements for protecting office holders and the public from involvement in bribery?
(c) How far do the rules and procedures for financing elections, candidates and elected representatives prevent their subordination to sectional interests?
(d) How far is the influence of powerful corporations and business interests over public policy kept in check, and how free are they from involvement in corruption, including overseas?
(e) How much confidence do people have that public officials and public services are free from corruption?
(f) What measures, if any, are being taken to remedy publicly identified problems in the field and what degree of political priority and public support do they have?

C. Civil Society and Popular Participation

1. The Media in a Democratic Society

Do the media operate in a way that sustains democratic values?
(a) How independent are the media from government, how pluralistic is their ownership, and how free are they from subordination to foreign governments or multinational companies?
(b) How representative are the media of different opinions and how accessible are they to different sections of society?
(c) How effective are the media and other independent bodies in investigating government and powerful corporations?
(d) How free are journalists from restrictive laws, harassment and intimidation?
(e) How free are private citizens from intrusion and harassment by the media?
(f) What measures, if any, are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?

2. Political Participation

Is there full citizen participation in public life?
(a) How extensive is the range of voluntary associations, citizen groups, social movements, etc, and how independent are they from government?
(b) How extensive is citizen participation in voluntary associations and self-management organisations and in other voluntary public activity?
(c) How far do women participate in political life and public office at all levels?
(d) How equal is access for all social groups to public office, and how fairly are they represented within it?
(e) What measures, if any, are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?

3. Government Responsiveness

Is government responsive to the concerns of its citizens?
(a) How open and systematic are the procedures for public consultation on government policy and legislation, and how equal is the access for relevant interests to government?
(b) How accessible are elected representatives to their constituents?
(c) How accessible and reliable are public services for those who need them, and how systematic is consultation with users over service delivery?
(d) How much confidence do people have in the ability of government to solve the main problems confronting society, and in their own ability of influence it?

(e) What measures, if any, are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?

4. **Decentralisation**

   Are decisions taken at the level of government most appropriate to the people affected?
Paper 2
Priority Areas for Pre-Interim Period
by
Commander Kosti Manibe

A. PRINCIPLES

a) Sudanese-driven priority-setting;
b) Local ownership of the process of post-conflict reconstruction;
c) Involvement and participation of stakeholders through consultative processes in the formulation of plans;
d) Interventions not treated in compartments – no disconnect (begin now, move through the pre-interim period and connect to interim period).

B. STATEMENT OF THE PROBLEM

The problem that would undoubtedly face the SPLM government in the post-conflict Southern Sudan (defined as consisting of Bahr el Ghazal, Equatoria, Funj, Nuba, and Upper Nile Regions) can be summarized around four main points. The first point would center on the legacy of conflict itself; a legacy that has created the following major difficulties:

1) Fragile institutional environment, i.e. weak or lack of fundamental political, social, economic and legal ground rules that govern orderly behavior of the society;
2) Physical destruction of infrastructure (e.g. roads, buildings, etc.);
3) Weakened social capital, leading to social trauma manifested in mistrust and deteriorating networks of civic/communal engagement;
4) Dislocation of large numbers of people (refugees, IDPs, migrants to Europe, America and Australia);
5) Inadequate capacity for provision of social services; and
6) Rudimentary/ miniscule cash economy (including barter economy).

The second point relates to lessons learnt elsewhere, which indicate that post-conflict rehabilitation would typically involve multi-stakeholders (local, national and donors) with varied policy agendas, interests, work-habits and so forth. These multi-stakeholders do not have a common understanding of how some of the basic issues and priorities of the rehabilitation program/process relate to each other and therefore require synergy. The third point concerns the simultaneous demands of humanitarian relief, rehabilitation and security conditions. Finally, there is an urgent need for a relatively reliable database for meaningful planning. Such data is necessary for understanding the fundamentals of the local economies of war-torn communities and for planning.

C. STRATEGIC OBJECTIVES

1. Establishment of accountable institutions of governance that would ensure equity in access to resources on the one hand, and efficient and speedy delivery of services to the population in post-conflict situation Sudan on the other.

2. Ensure inclusivity in setting priorities, formulation and design of post conflict reconstruction and development.

D. PRIORITY AREAS FOR ACHIEVING EARLY RESULTS

By way of achieving the above stated strategic objectives, five areas have been identified from which a priority list of activities for achieving early results would be developed. These areas are:
a) Capacity building and institutional strengthening;
b) Physical infrastructure;
c) 5Rs (repatriation, reintegration, resettlement, rehabilitation and reconstruction);
d) Social services; and
e) planning for socio-economic programs.

(I) Capacity Building and Institutional Strengthening

1. Establishment of institutions of government.
2. Local governance enhancement through strengthening of basic structures of public administration.
3. Recruitment and management of responsive and accountable civil authority.
4. Human resource development and institutional strengthening.
5. Development of civil service regulations, terms and conditions of service.
6. Constitutional and statutory development.
7. Sector-wide transitional planning.
8. Data collection including population census & statistics.
10. Economic revitalization - treasury & procurement systems; budgeting and accountability; macroeconomic policy framework with focus on poverty reduction, banking and other financial institutions.

(II) Infrastructure and town planning

1. Office space
2. Housing and public utilities
3. Telecommunication
4. Air stripes/ports
5. Roads and bridges
6. River transports
7. Railways
8. Rural water supply and sanitation

(III) 5Rs

1. Repatriation
2. Reintegration
3. Resettlement
4. Rehabilitation
5. Reconstruction

(IV) Social Services

1. Education
2. Health
3. Water sanitation and environment
4. Reconciliation and community counseling

(V) Socio-economic Programs

1. Productive activities
2. Marketing
3. Credit services
4. Input delivery for productive activities
5. Community empowerment

E. ELABORATION OF PRIORITIES: Results Planning Matrices for Priority Areas

(1) Capacity Building and Institutional Strengthening
(2) Physical Infrastructure
(3) 5 Rs
(4) Social Services
(5) Socio-Economic Programs

1. Capacity Building and Institutional Strengthening

1.1 PUBLIC Administration

<table>
<thead>
<tr>
<th>Focus Area</th>
<th>Immediate/ from Now</th>
<th>Pre-Interim</th>
<th>6 - 18 Months</th>
<th>18 – 36 Months</th>
<th>3 – 6 yrs</th>
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<tbody>
<tr>
<td>Establishment of Transitional Government of Southern Sudan</td>
<td></td>
<td>Rehabilitation of physical infrastructure. Construction of temporary accommodation</td>
<td></td>
<td>Construction of physical infrastructure (buildings)</td>
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<td>Establishment of Regional Governments</td>
<td>Producto of the human resource directory</td>
<td>Production of the human resource directory</td>
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<td>Establishment of local governments</td>
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<td>Formation of Southern Sudan Local Government Commission in accordance with Local Govt. Act.</td>
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<td>Constitutional Framework for Governance during Interim period</td>
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<td>General enlightenment campaign about the peace process</td>
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<td><strong>Institutional Capacity building for Government of Southern Sudan</strong></td>
<td>Leadership capacity building workshops and training of Civil Service staff.</td>
<td>Leadership capacity building workshops and training of Civil Service staff.</td>
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<td><strong>Civil Service</strong></td>
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<td><strong>Security and De-Mobilization</strong></td>
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<td>Election Commission</td>
<td>State and Local Elections</td>
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<td><strong>Rule of Law</strong></td>
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<td>Establish Legal Reform Commission (systematically identify reforms: e.g. Basic Law; On Local Govt.)</td>
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### 1.2 ECONOMIC Governance

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<tr>
<th>Focus Area</th>
<th>Pre Interim</th>
<th>Interim Period</th>
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<tbody>
<tr>
<td>Governance and Public Administration</td>
<td>Initiate Pre-interim Budget Process; Appoint Auditor General; Establish Establish Census Commission;</td>
<td>2004 Budgets (all levels) Establish Departments (Ministries); Commission on Intergovernmental Relations (may include Boundary Review)</td>
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<tr>
<td>Rule of Law</td>
<td>Establish Legal Reform Commission</td>
<td>Asset Inventory</td>
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<th></th>
<th>6-18 Months</th>
<th>18-36 Months</th>
<th>3-6 years</th>
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<tr>
<td>Governance and Public Administration</td>
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<td>Rule of Law</td>
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<td>Area</td>
<td>Activity</td>
<td>Responsibilities</td>
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<td>-------------------------------------------</td>
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<tr>
<td>Financial Institutions</td>
<td>Initiate study on establishing banking system in Southern Sudan</td>
<td>Establish/Appoint banking Commission</td>
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<tr>
<td>Non-Bank Financial Management</td>
<td>Prepare accounting systems for all levels of government</td>
<td>Provide equipment, software and supplies</td>
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<td></td>
<td>Identify, train and recruit accounting personnel (expatriate and local)</td>
<td>Develop Audit programs based on accounting systems</td>
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<td></td>
<td>Recruit auditors (expatriate and local)</td>
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<td>Fiscal Accountability (give confidence to Donors; control to GOSS)</td>
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### 2. INFRASTRUCTURE

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<th>KEY MILESTONES</th>
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<th>18-36 months</th>
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<td>Complete voice communications</td>
<td>Digital radios for x number of offices/schools</td>
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</tbody>
</table>
| Roads                   | Grade surfaces  
  1. Kaya – Yei  
  2. Rumbek – Wau  
  3. Loki/Kapoeta/Torit  
  4. demining | Repair Bridges destroyed  
  Bussera, Mundri Yirol Atipi  
  Grade surfaces  
  Roads of major arteries – eg Pocholla to Bor Tombura/ Tonj, Kapoeta Boma, | Build Roads – those graded in pre-interim |
| Water                   | Clean Water:  
  a) IDPs and newly liberated areas :temporary storage and treatment  
  b)Health centres  
  c) schools | Continue for other rural urban areas towns and urban areas | Water purification plants, large towns |
| Power                   | Rehabilitate existing generators:  
  Yei, Rumbek, Yirol, Yambio Maridi | Solar power for Hospitals and Health Centres for cold chain etc. | Hydro-electric generation options - |
| Sanitation              | Pit Latrines,  
  Rural and major towns – Rumbek Yirol, Tonj, Yei, Yambio, Kapoeta | Continue | Solid Waste Mgt Septic Tanks |
| River Transport         | Restore Replace  
  Rehabilitate River | Continue | Septic Tanks and Sewerage |
<table>
<thead>
<tr>
<th>transport Barges</th>
<th>Railway</th>
<th>Air travel</th>
<th>Capacity Bldg</th>
<th>Tertiary Institutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgrade airstrips and add airstrips in newly liberated towns, maintain</td>
<td>Collecting Diaspora – core oversight/ supervision of contracts - Train demobilized retired soldiers - experience expertise in TA on communications, planning - project management for 10 district infrastructure focal points - training for team leaders</td>
<td>Rehab and re-commission MTC in Juba – vocational training Staffing – inventory of skills – gaps HRD strategy Community mobilization program for maintenance Skeleton staff and mandate of a ministry Distance Learning Facilities – computer and other</td>
<td>Distance Learning Facilities – computer and other</td>
<td></td>
</tr>
</tbody>
</table>

3. **FIVE Rs**

<table>
<thead>
<tr>
<th>Results area/ Focus Area</th>
<th>Key Milestones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Repatriation</strong></td>
<td><strong>Pre-interim</strong></td>
</tr>
<tr>
<td>Identification of IDPs/registration</td>
<td>Establish transit areas for 2 million IDPs (in Nimule, Kapoeta county (Narus), Budi county, (equatorial region), Kajokeji, Kaya, Ezu, Source Yubo, Tombura,</td>
</tr>
</tbody>
</table>
4. SOCIAL SERVICES

4.1 Water and Sanitation

<table>
<thead>
<tr>
<th>Results Area/ Focus Area</th>
<th>KEY MILESTONES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pre-interim</td>
</tr>
<tr>
<td>Quality of water</td>
<td>Treatment of water</td>
</tr>
<tr>
<td></td>
<td>Health education on water and sanitation</td>
</tr>
</tbody>
</table>
### Procurement of Equipment
- Establishment of communication network
- Establishment of water info system
- Procurement of means of transport
- Replacement of wear and tear

### Human Resource Dev.
- Provision of staff salaries
- Technical training of WES staff
- Management training of WES staff
- Routine training
- Contn.

### Rural Water Supply
- Rehabilitation of wells
- Provision of new wells
- Hand dug (wide diameter wells)
- Protection of natural water points and catchment areas
- Rural water strategy

### Results Area/ Focus area

<table>
<thead>
<tr>
<th>KEY MILESTONES</th>
<th>Pre-interim</th>
<th>6-18 Months</th>
<th>18-36 Months</th>
<th>3 yrs – 6 yrs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rehabilitation of physical facilities</strong></td>
<td>Physical infrastructure</td>
<td>Establishment of health information system</td>
<td>Build new health facilities</td>
<td>Contn.</td>
</tr>
<tr>
<td></td>
<td>Procurement of equipment</td>
<td>Establishment of communication network, radio, email</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Procurement of drugs and medical equipment</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Procurement of vehicles, bicycles for Supervision</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Disease control</strong></td>
<td>Immunization of 1million children with 6 antigens</td>
<td>Endemic disease control</td>
<td>Treatment of diseases Control of diseases Routine immunization</td>
<td>Contn.</td>
</tr>
<tr>
<td></td>
<td>HIV/AIDS awareness</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Control of epidemic outbreaks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Establishment of mental health services</strong></td>
<td>Definition of problem</td>
<td>Establishment of mental health institutions</td>
<td>Running of mental health services</td>
<td>Cont.</td>
</tr>
</tbody>
</table>
### Human resource development
- Staff salaries and support
- Conditions of service
- Materials, equipment, stationery for health facilities

### 4.3 Education

<table>
<thead>
<tr>
<th>Results/Focus Area</th>
<th>Pre-interim</th>
<th>6-18 Months</th>
<th>18-36 Months</th>
<th>3 yrs – 6 yrs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Teaching/learning materials</strong></td>
<td>Provide materials to - 500 primary schools and 21 secondary schools</td>
<td>Ensure that 150,000 pupils in upper primary classes have 5 basic text books Ensure that 150,000 upper primary have 10 exercise books</td>
<td>Ensure that all children in lower primary classes have 3 text books All children in lower primary have 6 exercise books</td>
<td>All school children have basic textbooks and exercise books</td>
</tr>
<tr>
<td><strong>Physical rehabilitation</strong></td>
<td>Assess all schools to determine their rehabilitation and reconstruction needs <em>(Immediate)</em></td>
<td>Rehabilitate dilapidated/damaged school buildings</td>
<td>Reconstruct destroyed schools Construct new school facilities</td>
<td>Construct new school facilities Construct new school facilities</td>
</tr>
<tr>
<td><strong>Education/existing schools</strong></td>
<td></td>
<td>Increase supply of educational materials</td>
<td>Expansion of existing facilities</td>
<td>Establish ment of tertiary education</td>
</tr>
<tr>
<td><strong>Education/returnees</strong></td>
<td>Determine number and levels of returnees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education/teachers</td>
<td>Salaries and support to teachers Determine number of returnee teachers Orientation of returnee teachers</td>
<td>Assign/ post returnee teachers in schools teachers training Teachers training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td></td>
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<tr>
<td><strong>Education/Adult</strong></td>
<td>Develop teaching, learning materials Orient/train teachers</td>
<td>Introduce program in five counties</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Institutional Capacity</strong></td>
<td>Finalize Curriculum development for primary schools</td>
<td>Training of education managers school inspectors head teachers management committees Supervision mechanisms - bicycles, vehicles</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Physical facilities (offices)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Socio-Economic Programs

<table>
<thead>
<tr>
<th>Results/Focus area</th>
<th>Key Milestones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pre-interim</strong></td>
<td><strong>6-18 months</strong></td>
</tr>
<tr>
<td><strong>Resource mobilization</strong></td>
<td>Trust funds Post Conflict Reconciliation Fund Assessment of Resources on assets and valuation</td>
</tr>
</tbody>
</table>
| Financial Institutions and structures | • Establish Banks  
  – OSS  
  – commercial Banks  
  – specialized Banks  
  – insurance companies | • Agriculture and Industry Regulatory mechanism | mance 3rd new plan |
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Public Sector Development</td>
<td>Formalization of Macro-Economic Policies and Legal Framework</td>
<td>•</td>
<td></td>
</tr>
<tr>
<td>Poverty Eradication Mechanisms</td>
<td>Marketing and storage Quarantine</td>
<td>•</td>
<td></td>
</tr>
</tbody>
</table>
| Financial Accountability             | Establishing Audit Office  
  Government Budgeting process for next year | Training of accounting personnel | |
| Enabling Private Sector               | Production inputs Technical Credit Seeds Vet | Empowering small enterprises | Encourage Agro-Industrial Projects |
F. Modalities of Implementation

1. Multi-donor Trust Fund (MTF)

Resources from the international community for the reconstruction of Southern Sudan need to be pooled in a multi-donor Trust fund and the SPLM/future Government of Southern Sudan should determine the areas of expenditure. Dispersal of resources to NGOs and other agencies need to be avoided.

The peace agreement between SPLM and GOS envisages a government of Southern Sudan (GOSS) endowed not only with the capacity to perform governmental functions in Southern Sudan but also the capacity to directly solicit reconstruction and development funding from the international community. Hence the rationale for SPLM/future GOSS to assume the responsibility for taking decisions relating to expenditures from the multi-donor trust Fund.

Multi-donor Trust Fund is not a substitute for economic resources of Southern Sudan in particular and the Sudan in general to which the SPLM/future Government of Southern Sudan.

Pending signature of the peace accord, SPLM urges observer states and organizations of the IGAD peace process for Sudan and other interested regional and international agencies to immediately undertake and directly in concert with relevant SPLM organs, program to provide training, technical and logistical support to the SPLM so as to augment its governance capacity to the level that will be required by the duties and obligations of the post conflict period.
2. **Bilateral Agreements**

The proposed multi-donor Trust Fund may not be the only modality of funding reconstruction of Southern Sudan. For example, large-scale projects may come with custom-made modality of management.
Summary of Discussion on Development: Project and Policy Priorities in the War-Torn Areas During the Pre-Interim and Interim Periods and Priority Areas for Pre-Interim Period

1. There is a high level of agreement between the Government of Sudan (GoS), the Sudan Peoples Liberation Movement/Army (SPLM/A) and other parties that policy and project priorities during the pre-interim period should be owned by the Sudanese people and driven by them. This calls for the ongoing involvement and participation by all stakeholders in the development of plans and blueprints for strategies. Furthermore, there is also broad agreement that quick-start and quick-impact programmes should start prior to the signing of the peace agreement so that they could have maximum impact from the outset of and throughout the pre-interim and interim periods.

2. The war-torn areas of Sudan are suffering numerous challenges which include large numbers of internally displaced persons (IDPs), weak social capital, low institutional capacity and very small cash economy. All these issues are important challenges which the new transitional administration should seek to deal with throughout the pre-interim and interim periods. The new administration should seek to operate on the basis of accountability, equity, efficient delivery of services and inclusivity.

3. Despite the wide-ranging agreement amongst GoS and SPLM/A on most issues relating to project and policy priorities during the pre-interim and interim periods, the two parties still need to address the following important issues: What will be the central and regional mechanisms for donor co-ordination in all parts of the country during both periods? What will be the relationship between the transitional administration and each region? What should be the top priority areas for the new administration? What will be the structure of public administration in the South? What will be the terms of service for civil servants at every level and in all parts of the country?

4. The pre-interim and interim periods should also seek to foster greater mobilisation of resources from local as well as external sources. Thus, the new administration would need to put in place mechanisms to attract funds from multiple donors who currently shy away from supporting the GoS.

5. In order for the development efforts to be successful, the GoS would need to update its database of information without which the new administration would not be able to set priorities and policies during the pre-interim and interim periods. The database should be built through censuses undertaken by the GoS backed by International Governmental and Non-Governmental Organisations which would provide resources and technical expertise for this endeavour. The updated database of information will assist the interim administration in setting priorities as well as carrying out plans and projects.
6. Apart from focusing on economic and political issues, the policy and project priorities during the pre-interim and interim period should also seek to affirm cultural, gender and human matters. For example, strengthening the mechanisms for protecting human rights will also lead to conflict prevention, management and resolution and lower the political tension at the centre and periphery. Furthermore, taking account of gender issues throughout the government will ensure greater transparency and broad-based accountability and participation throughout the country.
“Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”. UNESCO Constitution.

Abstract

The paper starts by giving a short analysis of the root causes of the North – South Sudanese civil war, generally conceived as a conflict between the Arabized Muslim North and the African Christian South. Attempts to resolve the conflict under the auspice of IGAD, the Declaration of Principles (DOP), the role of foreign intermediaries and Peace Envoys and the conclusion of the Machakos Protocol were narrated.

Then follows a detailed discussion of the general principles of the culture of peace and definitions of those concepts according to the UN and its concerned agencies, UNESCO and UNICEF, in the topic under discussion. A brief definition of the culture of peace within the Sudanese context is also given.

The paper examines the short term measures of information campaign, mainly the media and its components. The long-term measures include a host of sub-sections but basically education.
Historical Background

Sudan civil war between the Government of the Sudan (GOS) and the Sudan Peoples’ Liberation Movement/Army (SPLM/A) is one of Africa’s longest and tenacious conflicts. Once restricted to the Southern Sudan it has lately spread to other parts of the country. The conflict has generally been conceived as a conflict between the dominant and more developed Arabized Muslim North and the less developed African South which is “predominantly traditional in its African beliefs with a Christianised modern leadership.” This is an over simplification of a complex situation the roots of which are deep seated in the historical cultural, social, and economic development of the diversified Sudanese society. These factors include social grievances, lack of confidence, hatred and uneven economic development.

The crisis has its origins in the Anglo-Egyptian administration 1899-1956 where northern and southern regions of Sudan were run by separate colonial administrators, and although the British reversed their policy of separate development in 1946, they had “neither the time nor the political will to put in place constitutional arrangements that might have ensured protection for the South in a united Sudan.”

Thus the north-south divisions perpetuated, subscribing to the economic and social disparities that persist at the present time. The inability of successive administrations to deal with the governance issue and to implement policies necessary for equity, and federal rule have intensified the discord within society.

The last decade witnessed a change over the nature of the conflict, much of the combat has been between the southern factions rather than the GOS. Moreover the two main warring parties have exploited inter-communal conflicts by supplying uncontrolled militia (like maraheel), by weapons and other logistics. The raids of

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these militias and usual pillage intensified violence and spread abuse. Indeed all sides of the conflict are guilty of wide-spread abuses including assault, rape, abduction. The north-south conflict caused large internal displacement of people and is responsible for wearing down of education, health and other vital services. The abrogation of the Addis Ababa Peace Accord and the application of the *Sharī'a* laws all over the country, led to further resentment and mistrust. In short the protracted civil war had depressingly affected the social fabric and the economic life of the whole country.

**IGAD Peace Process**

However despite the gloomy picture that I depicted there were serious attempts to stop the civil war: the GOS and the SPLM/A having increasingly realized that neither side can impose its will by force of arms, the longevity of the war and the strategic importance of the Sudan attracted a lot of foreign interest from neighbouring states, regional associations, international bodies, foreign relief and development agencies etc. IGAD (which includes Sudan) was the first to get involved as patron of the peace process between the GOS and the SPLM/A. One of its first decisions is the Declaration of Principles (DOP) which provides a lawful framework for negotiations and addresses crucial issues such as separation of religion and state. The premise of the DOP is unity, with the right to a referendum if agreement is not reached.

Owing to the slow progress of the negotiations, IGAD secretariat was strengthened by the appointment of the Kenyan Special Envoy General Lazarus Sumberywo. Other Peace Envoys and monitors (Mr. Alan Goulty, from Britain, and from Norway, Italy, Canada) also joined the peace efforts.\(^5\) Senator John C. Danforth was appointed by the President of the U.S.A. as a Special Envoy for Peace in the Sudan. In his first report to President G.W. Bush he affirmed that the United States should continue its direct engagement in searching for solution to the civil war and expand on the confidence building measures that he has pursued since accepting the assignment.\(^6\)

The principal conclusion of Danforth Report is that “the war is not winnable by either side in terms of achieving their present objective. Therefore this is the time for a major push for a compromise. I believe that both the Government of the Sudan and the SPLM have given sufficient indications that they want peace to warrant the energetic participation of the United States in a long-term process. Leaders of both sides have stated their desire for a peaceful resolution to the conflict and have encouraged American involvement”.(7)

Furthermore both the GOS and the SPLM agreed to permit international monitoring of the implementation of their agreement. It was felt that the presence of “intermediaries including the United States, is essential in a peace process.

As the two sides to the conflict began to implement the confidence-building measures proposed by USA Peace Envoy a new commitment to peace is emerging. As I have hinted earlier peace envoys, concerned governments and agencies began to demonstrate their interest and commitment to the peace processes.

**Machakos Protocol**

This was soon followed by the conclusion of the Machakos Protocol on July 20, 2002 between the GOS and the SPLM under the auspices of the IGAD Peace Process. In that Protocol the parties reiterated their commitment to a negotiated peaceful comprehensive solution to the Sudan Conflict within the unity of Sudan, and agreed on a broad framework which sets forth the principles of governance, the general procedures to be followed during the transitional process and the structure of government to be created …..; the parties have reached specific agreement on the Right to Self-Determination for the People of South Sudan, State and Religion …., the Preamble, Principles and the Transition Process ….”(8)

The Agreed Text of the Preamble affirmed that the conflict has caused horrendous loss of life, destroyed the infrastructure of the country wasted economic resources and has caused untold suffering, particularly with regard to the people of

South Sudan, the Protocol also affirms that the signators are also sensitive to historical injustices, inequalities in development between different regions need to be redressed.

The text of the Agreed Principles states the unity of Sudan is based on the free will of its people, democratic governance, accountability, equality, respect and justice for all citizens and shall be the property of all parties; and so that the people of the Sudan share a common heritage and aspirations and accordingly agree to work together; design and implement the Peace Agreement so as to make the unity of the Sudan an attractive option especially to the people of South Sudan”.(9)

I have discussed in some detail two major points which constitute an indispensable background to the understanding of the issue of peace and the essential instruments to maintain it, through the culture of Peace. Firstly established the root-causes of the conflict: cultural diversity, historical injustices and social and economic disparities. Secondly the manner in which the two warring sides, had of late, seriously engaged in a process of peace building (including cease fire) and adopted instruments geared towards establishing bridges of confidence and cooperation. These steps set up the basis for the implementation of a successful programme culture of peace and the ultimate attainment of the aspirations of all Sudanese for the formation of a united Sudan. At the international level governments and agencies are all keen to assist. They have a range of political, diplomatic, funding and aid instruments at their disposal that can be utilized in pursuit of peace-building. At this historic juncture the people of the Sudan are poised to reach a just and sustainable peace.(10)

**Concept of Peace**

In the aftermath of the Second World War the founding member of UNESCO recognized in the preamble to its constitution that a peace based exclusively upon the political and economic arrangements of government would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world,

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(9) Ibid., pp. 24.
(10) Key to Peace . . ., p. 7.
and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.\(^{(11)}\)

Peace is rooted not in treaties but in the mind and heart of everyman and woman. Peace is the fruit of careful nurture of values, attitudes and behaviours that live to the principles of cooperation, non-violence respect for human rights, and cultural diversity, democracy and tolerance.\(^{(12)}\)

Peace is defined by some scholars as a “state of no war and no violence”. This type of definition implies that it can be established and sustained by the apparatus of law and order. This passive definition of peace ignores social violence, personal violence, social injustice, invisible oppression, discrimination and dispossession. Another definition qualifies it as a state of quietness, calmness, relaxation and stability both within oneself and between individual and others. This concept does not accept the notion of conflict as a reality in our society as individuals or groups. The challenge that this definition poses is not in the emergence of war but in the endeavour to resolve it.

A third definition describes it as a condition prevailing before the emergence of conflict itself, during which cooperation, tolerance and inclusion were the common features of that given society. Peace, is therefore, a network of dynamic external and internal relations that are guided by arrangements acceptable to all and which are consistently followed to resolve any forms of disputes and conflicts.\(^{(13)}\)

The third definition and the general directives of UNESCO constitute a workable definition for the purpose of this paper while the latter constitutes a universal yardstick.

**Concept of Culture of Peace**

I intend to look into the meaning, evolution and application of the culture of peace in the context of peace-building in the Sudan. One broad definition of culture is

\(^{(11)}\) UNESCO Constitution.
\(^{(12)}\) Infor@UNESCO.ca.
that “it comprises all those social, artistic, and architectural values that determine or express a way of life of a group of people either in territorial boundaries or on communal basis. Culture is a very powerful agent in the way we see the world around us and the way we behave towards other people. Recognizing cultural diversity is a challenge to societies that are multiethnic. Culture is seen in the context of peace as a source of strength that enables individuals and communities to create conditions … to live together. Tolerance of the other emanates from understanding the other objectively. This is the basis of positive interaction between communities that regard each other differently.”(14)

A term which is much confused with “culture of peace is peace-building. Peace-building, “pertains to the whole process of reestablishing a host of social-relationship that could facilitate a peaceful resolution of a conflict. This includes measures to stimulate economic development, social justice, and initiatives to reconcile opposing parties in a conflict situation. Peace-building should be seen as set of systematic and coherent actions at various levels of social or political structure. Its role is to reduce actual or potential violent conflict. Efforts of peace building activists are geared towards peaceful coexistence during or after violent conflict. Culture of peace is much more behavioural than action oriented. Hence the difference between the two concepts could be seen through linkages and practice”.(15)

The principles contributing to a culture of peace have been established over the years in a number of standard-setting instrument, declarations and action plans beginning with Universal Declaration of Human Rights in 1948. UNESCO has worked to promote respect for human rights through education and information.

The Vienna Declaration adopted at the World Conference of human rights in 1993 affirmed the principle that human rights, peace, democracy and development are interdependent and reinforce each other mutually. It also confirms that a culture of

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peace embraces non-violence, respect for human rights, cultural diversity, the promotion of democracy, tolerance and solidarity, sustainable development and gender equality.\(^{(16)}\)

The culture of peace was adopted as a programme of UNESCO in 1995. Its goal is to ensure the transition from a culture of war, violence, imposition, discrimination towards a culture of non-violence, dialogue, tolerance and solidarity – a culture of peace.

“The culture of peace is peace in action; it is the respect of human rights on a daily basis, it is the power generated by the interactive triangle of peace, development and democracy”, declared Federico Mayor, Director General of UNESCO in 1999, “It encompasses a culture of enabling different individuals to live together, of creating a new sense of sharing, listening and caring for one another and of responsibility within a democratic society that fights poverty and exclusion”.

Recognizing that the cultivation of peace is the task of every one the General Assembly of the U.N. at UNESCO’s initiative, has proclaimed 2001-2010 as the International Decade for a culture of Peace and Non-violence for the children of the world.

Culture of peace is an important objective of UNESCO and is spreading fast in activities of other UN agencies. Both UNESCO and UNICEF undertake the implementation of projects related to the culture of peace in Sudan. UNESCO applies the tool of culture to work on the people’s minds aiming to change their perceptions. UNICEF upholds similar concepts about communities and conflict situations. Both concur that people have to be educated or sensitized about conflict and peace. UNICEF sees children as victims of violence who can participate in the restoration of peace in their communities. Hence its 15 education programmes targets basic schools.

**Some Aspects of Attaining Peace in Sudanese Culture**

Sudan is endowed with many religions and with very rich and diversified cultural manifestations. However peace is a pivotal command in the teachings of

\(^{(16)}\) UNESCO, [info@UNESCO](info@unesco.org) ca. sheet 2.
Christianity and Islam. They like African beliefs advocate peace, foster good neighbourhood and facilitate fair treatment to strangers. They regard themselves as God’s children on earth and it is their duty to respect others and be just to them; forgiveness is indeed the motto of most of them. In short “messages of justice, equality, consideration and respect for the other, peaceful co-existence are embodied in all cultures and religious”.\(^{(17)}\)

Two verses from the Holy Quran impart the same noble messages, especially equality, respect, justice and tolerance to all human beings.

Verse No. (1)

Mankind we created you
from a single (pair)
of male and female
and made you into
nation and tribes, that
Ye may know each other
(not that ye may despise
each other) verily
the most honoured of you
in the sight of God
is (he who is) the most
righteous of you
and God has full knowledge
and is well acquainted
(with all things)\(^{(18)}\)

Verse No. 2

And dispute ye not
with the people of Book

Except with means better
(than mere disputation) unless
it be with those of them
who inflict wrong (and injury)
but say we believe
in the revelation which has
come down to us and in that
which came down to you
our God and your God
is One and it is to Him
we bow (in Islam)(19)

A tradition of the Prophet Muhammad states “I am the opponent of that who hurts a dhimmi (Jew or Christian) on the day of Judgement”.

These noble teachings have undoubtedly their equivalent in other religions.

What is perhaps more relevant and has some bearing on the dissemination of the culture of peace is the application of Sharī‘a laws. Historically the Islamic laws were applied until the Anglo-Egyptian administration. In these laws the rights of non-Muslims are defined and well recognized. They as non-Muslims have every right to organize their lives in the manner they think appropriate, so long as such a practice does not undermine the rights and duties of followers of other religions. By the same token it is not fair to deprive Muslims of their right to adopt Sharī‘a laws and ask them to abrogate their laws to the benefit of followers of another religion who are keen to apply only secular laws. However since this is one of the most contentious points in IGAD Peace Process negotiations, and is being resolved politically we need not spend more time on it.(20)

Briefly culture of peace is the art of tolerance forgiveness, truth and reconciliation, based on universal values (and religious commands) of respect for life and human rights. Though peace is deep rooted in the mind and hearts of every man and woman conflict is an indestructible constituent of life.

Short Term Measure

Probably the most important and effective short term measure is the media. The main objectives of the culture of peace are to "cater in different forms for the needs of the members of society to acquire knowledge develop attitudes and practice skills that may pave the way for attaining peaceful co-existence, resolving conflict, building peace and maintaining peace".

Massive information appropriate to the culture of peace and conducive to creating a general sense of awareness of what is happening and what has been achieved should be made accessible to the public at large as soon the conclusion of a peace agreement is imminent. For certain it is about time to start such a media campaign, indeed there are indications that it has already started in certain sectors of society. Once a peace agreement is reached efforts to sustain peace building and enhance reconciliation are crucial media undertakings which should by supported by all, GOS, SPLM/A other oppositions groups and organization of civil society. “A culture of peace will prevail only if”, as Dr. al-Tayib Hag Ateya puts, if it becomes the essences of the global effort of the people and the government.

The media includes:

- radio, television, film and video,
- newspapers, magazines, pamphlets and posters,
- the Internet, e-mail, and telephones,
- theatre, folkdance, tribal gatherings, festivals, meetings of all sorts,
- youth clubs.

(23) Ibid., p. 101.
Some of the above mentioned sophisticated instruments are not available to most people hence we should focus mainly on radio, television and newspapers. Radio drama is becoming a popular vehicle for imparting information and creating the desired culture of peace awareness vis-à-vis culture of war. The potential for using community radio stations is considerable especially in rural areas where a local language is the only vehicle of communication.

- Use of mosques, churches and other centres of worship may inspire spirit of religious tolerance.

- Another medium of effective direct, communication is the face to face one; it extends to lectures, seminars, workshops. Indeed, as noted below special centres were established to cultivate peace awareness and a sufficient level of interaction and information sharing among the educated Sudanese.

Since the communication process, direct or indirect, constitutes the nervous system of society “and since it deals mostly with cultural issues aiming at attaining and maintaining peace it should give a balanced picture of what is happening.

The peace “should show full regard to the OTHER and overtly recognize and respect his aspirations, needs, beliefs, culture.\(^{(24)}\) Policy of the culture of peace should be built on freedom of expression, other public rights and recognition of human rights. All these items should be accomplished through the wide issue of respect and recognition for the diversities of Sudan (cultural, political, economic). The culture of peace policy should adopt a bold attitude in dealing with the religious, linguistic ethnic and ideological differences. It should address the distinct levels of social stratification ethnic urban-rural, educated-illiterate, rich-poor segments of society. The media are to be responsive to issues of dominance, political and cultural and the “rights of minorities versus the majority and related dichotomies”.\(^{(25)}\)

A point which merits attention at this juncture is the complete neglect of the “independent” para-military factions in South Sudan and the opposition political

parties in North Sudan. Though it may be too late to incorporate representatives of these groups at the IGAD Peace Process, their political views should somehow be ventilated at the negotiations forum. Attempts must be made to accommodate their views amicably now. Otherwise the political stand of some may complicate security arrangements during the Interim Period. A frank open dialogue is probably the answer.

Media should give special attention to certain groups of the audience e.g. children especially young girls, women, victims of war, inhabitants of combat areas, displaced citizens, refugees, child soldiers abducted children etc.

The communication and the policy of culture of peace should be based on freedom of expression and respect public and human rights, as hinted earlier. It should be democratic, participatory and inclusive and encouraging interaction and feedback and should be able to diffuse culture of peace within all means of communication and culture domain public and private. These are by and large the essential elements that media may contribute to a cultural policy of peace. Though the provisions of the media were comprehensive to create a vital sense of awareness; a culture of peace will only prevail if it has the unequivocal support every Sudanese on both sides of the fence.

**Long Term Measures**

First among these and the most important in this respect is education: Achievement of a social target requires education. As stated above much of what embraces education programme as a tool of culture of peace is outlined in UNESCO Declaration and Integrated Framework for Action on Education for Peace, human rights and democracy. UNESCO also recommended the implementation of a culture of peace programme through education by revising the education curriculum to promote qualitative values, attitudes and behaviours of culture of peace, including peaceful conflict resolution, dialogue, consensus building and non violence. Such an active educational approach should be geared also to promote; sustainable economic

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and social development, respect for human rights, equality between men and women, foster democratic participation, advance understanding, tolerance and solidarity promote peace and security and support participatory communication and the free information and knowledge — a point which had received much attention when discussing the role of media.

Culture of peace through education means on one the hand the healing of the wounds of the past, and on the second hand searching for a viable common future where a harmonious peaceful coexistence prevails.

This rather optimistic perception stems from the existence of a remarkably rich diversified culture which is unfortunately not perceived by all Sudanese. Consequently one of the first tasks, the GOS, SPLA/M, opposition parties, paramilitary factions and civil society organizations (CSOs) is to collect this knowledge disseminate it, make it available to others in published books, magazines through the radio, in the form of talks or drama. Let us go back a bit to the roots of Sudanese cultural heritage. Make more Sudanese literature, folktales and tales attainable — in Arabic, English or Sudanese-African languages or in a translations of these works. Such information constitutes a very important diversified source from which future text books and readers can be written. Such a step will widen the scope of source material and will improve the quality of education: the primary vehicle through which culture of peace is systematically transmitted and social goals are targeted. The end in view is that culture of peace comprises all activities which improve attitudes, knowledge and capabilities for conflict management. People of all ages should be shown how to alter their conflict related behaviour.\(^{(27)}\) Such education may take place in the family centres of worship, community organizations, places of work, but primarily at a school or a teaching institution.

Formal (or school) education is implemented in two ways. The first one is related to school activities and is directed at the primary level to children before they reach the age of maturity. Basic education is the primary target where programmes are

tailored to suit the needs of children and communities which had a history of endemic conflict. Ingredients of education targeted to culture of peace involved in school activities embrace the following:

- **Curriculum Development**: curricula are developed to incorporate the guiding values of culture for peace we discussed before, e.g. communication, tolerance, cooperation. To achieve development in this direction new subject matter is being introduced including non-traditional areas as peace-building civic, and human rights guidelines. UNICEF enjoys close cooperation with the GOS in this respect. A series of four reader with stories and poems has been designed.

- **Improving school environment**: This activity aims at creating a balance between contents of the syllabus and the school setting. “Interventions on the level of school environment are made to address how children’s rights are upheld or denied in school, how disciplinary methods effect children’s lives, and how schools are the link between communities and larger societies with regard to issues of conflict and peace”.(28)

It is also vitally important to embark on a process of physical rehabilitation of the schools buildings that were destroyed during combat.

- **Teachers Training**. Teachers need their skills revitalized and their abilities upgraded so as to cope with the problems of post-conflict atmosphere. The in-service training programmes in culture of peace, conflict management, cooperative group work inject a new spirit and a positive attitude in the profession. Teachers are also supplied with guide manuals to inject the peace values.

The second way to inculcate peace education is through extra curricula activities. Reference to some of these activities has already been made. Promotion of culture of peace is not restricted to the classroom. Out of school

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(28) Samsons.S. Wassara” op.cit”, p. 4.
activities that may involve large numbers of children, young people and adults. The extra curricula activities include the following:

- **Youth camps**: Its aim is to bring together youth from different ethnic backgrounds for “recreational activities, vocational training and other relevant interactions of peace building such as community service”.(29)

- **Sports and recreation programme** is similar to youth camp, it focus on building team work (like the traditional communal work, *al-Nafir*, cooperation, sportsmanship and decision-making skills.

- **Youth groups and clubs**: It comprises training packages for youth group leaders, I believe this programme has not been tried in Sudan.

- **Media Training**: These programmes are designed to influence media producers to reduce violence and increase peaceful content of radio and television messages for children, youth and adults who may have never gone to school. These messages convey awareness-building on peace and conflict issues, building grassroots support for peaceful processes of conflict resolution and promote behavioural change.(30)

- **Magazines for Peace**: Another media method where activities of peace are documented and circulated. Because some of the peace activities could be forgotten, if not properly documented, magazines for peace perform a very useful role.

- **Theatre for life**: It utilizes drama as a medium of expression, expressing ideas through art, songs and folk dance. Such performances involve contests and exhibition. This type of programme is more developed in some university centres in Sudan.

**Some Aspects of Sudan’s Contribution in the Dissemination of Culture of Peace.**

Space does not permit giving a detailed survey of what was achieved in this respect. My remarks will focus on the role of the Ministries of Education, and Higher

Education in collaboration with UNICEF, UNESCO and other international NGOs who gave considerable technical and financial aid.

- **Workshop on peacebuilding in basic schools:** The Institute of Curricula Development at Bakhat al-Ruda, Federal Ministry of Education, in partnership with UNESCO Sudan Country Office hosted a peace education programme for basic schools. Bakhat al-Ruda has led work to that effect in May 2001. It was emphasized that peace building in basic schools is intended to enhance direct interaction with the community and grassroots in the school neighbourhood.

  This was followed by a major project to train (and teach), teachers (in basic) schools, the culture of peace. Seven workshops were convened in the year 2001 in the States of Southern Darfur, Southern Kordofan, Western Kordofan, Upper Nile and Bahr al-Ghazal. About 200 were teachers trained then. It is planned to train six thousand teachers (male and female) by the year 2006 in culture of peace. Seven workshop in conflict transformation and training in culture of peace were convened in areas affected by war in Darfur (at al-Fashir, Tullus, al-Jinayna, Niyala, al-Di‘ayn and Abu Kaarnaka).

  Plans are set to convene the first international conference in post war culture of peace on 1-3 November 2003. It is sponsored by Peace Culture Centre and the Advisory Administration for Peace. The conference will be attended by students, politicians, CSOs and representatives of the traditional local government.\(^{(30)}\)

  The Bakht al-Ruda National Centre for Curricula Educational Research crowned its activities by publishing a *Matrix Culture of Peace, as Depicted in the Text Books of Basic Education*.\(^{(31)}\) It was prepared by nineteen teachers headed by he under-secretary of the Federal Ministry of Education. The general introduction gives a synopses of the objectives of the culture of peace and general guide lines on how teachers can implement it among pupils who are expected to integrate it in their

\(^{(31)}\) Peace Culture Centre, Sudan University of Science and Technology, Project Presentation, 2000-2003,
families. The second part of the book is a detailed analysis of the content of the eight years syllabus in the basic (primary) school.

Under four sub-titles: Islam, Christianity, Arabic and English language the Matrix points to the occurrence of certain concepts, and their frequency in all textbooks. The concepts are: self-respect and regard for others, origin of “creation” and origin of mankind, the notion security and respect for inherited principles of faith, appreciation of traditions and customs, respect for the other, know thy fellow citizen, recognition of the rights of others to live and enjoy life, exchange of benefits, acknowledging the uniqueness of the other person, cooperation in the framework of humanity, right of societies to protect its heritage to ward off conflicts between individuals, communities and states, set in motion the peacekeeping instrument sponsored by wisemen etc. Teachers are thus prompted to utilize these salutary concepts in promoting culture of peace and augmenting its effective at the school level.

The Readers four Supplementary contain the following sub-titles:

**Book I**

1. The Art of Life.
2. The Tribal System of Government.

**Book II**

1. Peace in Monotheist Religions.
2. Peace and Social Solidarity in the Heavenly Religions.
3. Justice is the Pillar for Peace.
4. Poetry and its Role in the Culture of Peace.

**Book III**


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2. War Calamities.

3. Peace Road Plays.

**Book IV**

1. Unity Road.

2. How Can Those Objectives be Achieved?

**The Ministry of Higher Education and Scientific Research Role in Peace Building.**

In a programme of cooperation between the GOS and UNICEF to expand work on human rights, gender equality and peace building. It was agreed to establish and strengthen eleven national and sub-national institutions for the promotion of the above mentioned aims.\(^{(32)}\)

The targeted Universities are Upper Nile, Bahr al-Ghazal, Juba, Kassala, Nyala, Diling, West Kordofan and Khartoum. However only six units were established in the universities of Khartoum, Juba, Diling, Zalengi, Nyala and the Sudan University of Science and Technology. Their main objectives are to undertake research on the situation of grassroots conflict, assist in developing a conceptual frame of reference for grassroots peace-building and intervention in the area of education. Most of these centres conducted research convened workshops, issued publications and participated in peace activities through mass media.\(^{(33)}\)

The Juba Centre for Peace and Development Studies, located presently at Khartoum published several research papers and a journal, conducted many seminars and workshops on the process of peace negotiations.

The main objective of the University of Nyala Centre is to provide and raise awareness among local people towards peace in order to lessen tensions and resolve

\(^{(32)}\) I am grateful for Professor Sabrino B. Forojalla, of UNICEF, Sudan, for supplying with this useful information.

conflicts. For example, the Centre convened a workshop on conflicts and peace making for local leaders.\(^{34}\)

However probably the most active centre for threat Research (SCTR) Sudan University of Science and Technology, funded in 1997. It works in the field of peace culture, society mobilization and conflict transformation.\(^{35}\)

SCTR is a cultural and experimental theatrical centre that uses drama (by) inviting ordinary people to explore their own cultural forms in new ways to enhance peace and development.\(^{36}\) SCTR introduced peace drama in the region of southwestern Kordofan. Performances were run at al-Fula, al-Babanusa, Meiram and Abyei. SCTR developed a traditional methodology among the Noak (Dinka) and ‘Ajayra (Baqqara). People like the inhabitants of Noag “never detach art from life art, is the way of life and therefore all tradition and cultural practices such as signing and dancing m are considered daily practice, as necessary”. Words and phrases like abandoning violence respect of life, solidarity, sympathy listening to each other were translated in local languages (e.g. Noak language. Traditional forms of resolving conflicts, like the \textit{Judiya} between Dinka and Misariyya were fully utilized both in threate and real life.

Hand-puppet performances focused on concepts of tolerance and trust.\(^{37}\) Native folk tales of Dinka and Baqqara were made use of fully. Theses like \textit{al-Nafir} (communal work), which emanates from the extended if extended families were also put to use.

The success SCTR performances in the transitional zone of Western Sudan prompted the Institute and UNICEF to expand their activities by training teachers and community workers in peace-drama in that region. A team of trainers from the University of Science and Technology carried out that mission at al-Fula, Dia’yn and

\(^{34}\) \textit{Ibid.}, pp. 62-63.
\(^{35}\) Aboelgassim Gor, Atrief Ageeb, Peace Culture Project, the Abyie Experience, May-June 2002.
\(^{36}\) \textit{Ibid.}, pp. 10-11,
\(^{37}\) \textit{Ibid.} p. 11.
Kadugli. This is indeed a notable expansion in the activities of culture of peace education.\(^{(38)}\)

I have discussed so far is some details the two main axes of the dissemination of peace, media and education. The result, though modest is encouraging. This has been largely the work of the GOS in collaboration with UNESCO, UNICEF, international agencies and (foreign) NGOs. What is required now is stepping up that effort and expanding it to the most troubled areas.

**CSO’s Role**

One missing element in these efforts is the CSOs. Until now the structure of the peace making arrangements excludes their contribution. The contribution of Sudan’s civil society to peace and good governance need to be recognized and reinforced. This can be achieved through training, capacity building, enhanced access to information and civic education.\(^{(39)}\) As a neutral group it is capable of acting independently by creating platforms for dialogue between state and non-state stakeholders, and can establish connections with similar bodies from outside the Sudan. For post conflict arrangements (or currently) CSOs can link the internal peace efforts with endeavours being exerted by others working for peace form outside. CSOs are certainly more capable of attracting external support and for peace-building and rehabilitation and development programmes.

The involvement of the CSOs in these programmes directly or indirectly in partnership with the GOS and NGOs, will augment peace education. The association of Sudan’s civil society, at different stages of planning and execution of the issues at stake will help in creating an all-embracing future vision for a just and sustainable peace in Sudan.

**The Ajawid, the Marheell and Abduction**

In border areas between the North and the South Sudan the traditional chiefs were in the habit of settling minor tribal conflicts. The best quoted example in this

\(^{(38)}\) S.S. Wassara, “op.cit”, p. 6.

\(^{(40)}\) The Key to Peace, Unlocking the Human Potential of Sudan, p. 17.
respect is in the region pf Abyie where the efforts Nazir Babo Nimir of the Missayriyya Baqqara Arabs and Chief Deng Majok of the Danka were noted. They kept very amicable relations. Most of the conflicts are connected now with community competition over natural resources, such as access to water, grazing lands, land for cultivation, fishing and livestock rights. They are called second tier conflicts. Some of these conflicts especially those arising from community needs can be settled at level of local leaders. But those induced by political factors are difficult to put in order.

At times both the government and armed opposition movements exploited such conflicts to their respective advantage. The use of militia allied to the government or the SPLA aggravate the context between communities members in combat zones “enlist in militia forces as a means of having access to weapons that would be used in local feuds over critically needed resources”. Examples of this type are found in the South, in the North and between the South and the North. The inter-Neur conflicts in Upper Nile region are one of such examples. In regions of Bahr al-Ghazal and Bahr al-Arab the conflict situation is grave, between the Baqqara tribes and the Dinka, and between sections of the Baqqara. Furthermore the Sudanese armed forces enlist militias, known as al-Maraheel, from the ‘Ajayra section of the Missariyya to supply bodyguards to trains heading to Wau in Bahr al-Ghazal State. These Maraheel are in the habit of raiding cattle and abducting children. They have abducted many Dinka and Lou in villages north of Wau.

Before the conflict began communities used to resolve their problems through the traditional mediation of the Ajawid now the whole social fabric has collapsed and replaced by a “gun”, the new culture of militarization is the one available to resolve conflicts. Unless such practices are eradicated immediately there is no sense in advocating a culture of peace. Prompt action is the answer.

The problem of abduction has been widely criticized, and hence the Sudan Ministry of Justice established a Committee for the Eradication of Abduction of Women and Children (CAWC) in May 15, 1999. It was re-established under the
Presidential Decree No. 14/2002 with more power and affiliated directly with President of the Republic.

The main objectives of CEAWC are:

- to facilitate the safe return of affected women and children to their families,
- to investigate reports of abduction, and to bring to trial any persons suspected of supporting or participating in such actions
- to investigate reports of abduction, subjected to forced labour and recommend ways and means of eradicating this practice\(^{(41)}\)

CEAWC works closely with international community, as partners providing technical support.

CEAWC has been able to trace many cases. In his opening statement, in a workshop, UNICEF Representative, recognized that the establishment of CEAWC is a concrete indicator of the political will of the Government of the Sudan to deal with abduction problem.\(^{(42)}\)

However, for a successful creation of a climate of awareness for the culture of peace and a real change of the status the past framework needs to be supported by other important measure. The settlement of the displaced and uprooted people ought to be given adequate preparation. In development in general, I believe we ought to begin by a kind of vocation within the traditional culture and modes of living with which they were accustomed e.g. crop farming, livestock or fishing.

To achieve sustainable economic and social development planners should start according UNESCO’s dividers, by reducing economic and social inequalities, by eradicating poverty by assuring sustainable food security social justice, empowerment of women. Respect for human rights without it there can be no culture of peace. Equality between men and women in all aspects of life. Democratic principles, practices and participation etc. in all sectors of society are the pillars for the


establishment and maintenance of peace. To abolish the culture of war and violence, people need to transcend and overcome enemy images with understanding, tolerance and solidarity among all people and cultures.

I have tried in this paper to show how the Sudanese political forces and civil society organization can through the culture of peace make the unity of the Sudan a more attractive option during the interim period, especially to the people of South Sudan. This is a historic challenge are all Sudanese up to it.\(^{(1)}\)

\(^{(42)}\) *Ibid.*, pp. 3-4

\(^{(1)}\) I am grateful to the following gentlemen for giving me the time to discuss with them some aspects of this paper: Professor Sabrino Forgalla, and Dr. Andrew Mawson, UNICEF. Dr. Muhammad Mukhtar and Ambassador Hassan Adam Peace Advisory, Khartoum, Mr. Marv Koop, Mr. John Akol, Miss Wiam Hadra, UNDP, Khartoum, Ustadh Salman Muhammed Salman, Federal Ministry of Education, Sudan and Professor Francis Deng, UN, during his short visit to Khartoum.
Affirmative Action: Issues to consider from international experience

by

Dr Edward A. Christow and Dr Michael Schluter

1. Definition

Affirmative action can be defined as the laws, programmes, measures and actions which are undertaken to redress current and past ethnic, religious, class, gender and age inequalities and discrimination.

2. Forms of Discrimination

Discrimination can occur on the basis of race, ethnicity, religion, class, gender or age: whenever a group has been denied opportunities for advancement or benefits on the basis of clearly defined characteristic(s). Discrimination can occur directly (e.g. a person is denied a job on the basis of their colour or gender) or indirectly (e.g. there is systemic under-investment in infrastructure such as hospitals or schools in a given region where there is a concentration of a particular ethnic or religious group. This then results in fewer members of that group having access to employment or public services).

3. Rationale: Why is Affirmative Action so Important?

a. A Democratic Imperative

According to Susan Strum and Lani Guinier

Access to work and education is a fundamental attribute of
modern citizenship. Work provides an identity that is valued by others. Work organises and shapes the citizen’s sense of self. Virtually every aspect of citizenship is channelled through participation. In these ways, work has become a proxy for citizenship. Increasingly, the opportunity to work in a non-contingent, full-time position that provides these benefits of citizenship depends on access to higher education.

People who are not educated do not get jobs, and thus cannot participate in the responsibilities and benefits of citizenship. Moreover, those without benefits of higher education increasingly work in shifting, temporary, and task-oriented jobs. Such individuals may fail to develop a sense of personal worth, institutional or communal loyalty, or positive agency, all attributes essential to functioning as citizens.2

b. Government Legitimacy
Past wrongs must be seen to be addressed after a peace settlement if the new political arrangements are to be regarded as legitimate and just, whether this is in the area of participation in political decision-making, public and private sector employment prospects, education and training opportunities, infrastructure rehabilitation or provision of social services. Positive visible steps need to be seen to be taken quickly to improve the conditions of marginalised groups, i.e. those groups which are not receiving their fair share of resources and employment. This is especially important in the case of political, military and police positions, as well as the civil service, where in the past those cadres have been perceived as strongly partisan.
c. Greater Efficiency of Public Services

Affirmative action is generally an important factor in increasing the efficiency of public services, especially in disadvantaged regions, for two reasons:

i) increased dexterity of language and diversity of cultural empathy with local populations so that the civil servants are in a better position to provide effective services

ii) greater willingness of the clients of public services to co-operate with and use public services

d. Higher Rates of Return on Public Sector Investment

It would normally be the case that affirmative action may raise the rate of economic growth after a period of discrimination when key projects have been ignored due to location or perceived advantage to an unfavoured ethnic, racial or religious group. An end to negative discrimination, replaced by positive discrimination through affirmative action, can remove bottlenecks and raise the rates of return on earlier investments (e.g. in the oil sector).

e. Preventing, Managing and Resolving Potential Conflict(s)

An effective affirmative action programme can play an important role in either preventing or managing and resolving potential conflicts. One of the most important ways of achieving this is by eliminating motivational factors (notably group inequalities) and dealing with the structural causes of conflicts. Government programmes can take various forms:

i) On the economic side, the government may institute policies to deal with discrimination related to employment and incomes among given professional groups

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ii) On the political, cultural and social side, the government may share power with other parties and ensure their transparent participation in every branch of government.

f. Representativeness
Representativeness is one of the main features of a democratic and inclusive society. Representativeness will tackle the above problems by instituting laws, programmes and policies to redress past imbalances and to ameliorate the conditions of individuals and groups, which have been disadvantaged in the past. This can be done by ensuring fair representation of marginalised groups and individuals in political, economic and social institutions.

g. Greater Equity in Public Life
When past policies have created a state of institutionalised inequality, a new set of policies, actions and programmes must be undertaken to bring about change. This change must move away from unjust to just process where there will be equality of opportunity in public life. Affirmative action is also driven by the belief in the equal value of each person, which causes governments to ensure that equality is being demonstrated through open and uniform access to public facilities, resources and opportunities for every child and adult in the population.

4. Affirmative Action in India, South Africa and the US

a. India
Affirmative action was introduced in India in 1947 for the so-called Socially and Educationally Backward Classes and the Indian government is still vigorously pursuing it.

Affirmative action in India consists of various schemes allowing preferential treatment, with reservation of a percentage of government posts and of places in educational institutions for backward groups in particular. The impact of
this policy is enormous. Currently 3,000 out of the 3,500 Socially and Educationally Backward Classes are direct beneficiaries of this process. The central government has reserved twenty-seven percent of all government jobs and places in institutions of higher education for the Socially and Educationally Backward Classes.

India’s constitution has created Central and State Commissions which define, select and assist classes which should be beneficiaries of preferential treatment. In recent years, affirmative action has come under intense criticism by both Socially and Educationally Backward Communities and Classes which are not beneficiaries and constituencies which are not classified as backward. As a result, many politicians and intellectuals are now calling for an end to this “social engineering” tool.3

b. South Africa
Affirmative action was introduced in South Africa in 1994 with the aim of addressing the inequalities which were institutionalised by the Apartheid regime. The aim of affirmative action in South Africa is to “redress past imbalances and to ameliorate the conditions of individuals and groups who have been disadvantaged on the grounds of race, gender and disability.”4

The main strategies of affirmative action can be grouped into three areas:

- Introduction of laws outlawing discrimination on the basis of such factors as race, gender and disability
- Introduction of reforms in the procedures of the recruitment, selection and promotion of staff in the public services and private sector

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• Promotion of attitudinal changes throughout the country in transforming South African society towards greater equity and democracy

Overall, affirmative action has been welcomed by most South Africans as a necessary policy aimed at transforming the country towards a more representative, diverse and equal nation. However, a number of groups, which had been favoured by the previous Apartheid regime, have voiced their opposition to the reverse discrimination against them. Furthermore, a number of disadvantaged groups which are not beneficiaries of affirmative action have also expressed their need for help.5

c. The US

The first reference to affirmative action in the US was made on 6 March 1961 by President John F. Kennedy who issued Executive Order 10925 which created the Committee on Equal Employment Opportunity. The Executive Order stated that projects financed with federal funds should "take affirmative action" to ensure that hiring and employment practices are free of racial bias.

Affirmative action in the US was first introduced through the Civil Rights Act of 1964, which granted protected status according to race and sex. The Age and Discrimination in Employment Act of 1967 extended the protection to the elderly. Later amendments to both acts further broadened government authority to intervene in all matters of discrimination.

The 1964 Act created the Equal Employment Opportunity Commission (EEOC) and charged it with investigating complaints. EEOC cannot enforce its findings but can ask the Department of Justice to sue a discriminating

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individual or firm. In recent years EEOC’s budget has exceeded $250 million per year.

Affirmative action has been implemented in two principal ways in the US. Establishing equality before the law for all citizens, and the introduction of preferential treatment of marginalised people groups for government posts and university admissions.

Affirmative action has been a divisive issue in the US and its supporters and opponents have sought either to entrench or abolish it through referendum, legislation and judicial action. The watershed ruling by the US Court of Appeals for the Fifth Circuit, 1997, which ordered the University of Texas Law School to adopt a race-blind admission program; and the subsequent decision by the US Supreme Court that affirmative action is not constitutional have plunged legal and academic worlds into lively debate about the future of affirmative action in the US.6

d. Challenges to Affirmative Action in India, South Africa and US
Affirmative action has posed four main challenges in India, South Africa and US:

i. The danger of reverse discrimination and alienation of non-target disadvantaged groups

ii. The danger of prioritising affirmative action at the expense of other transformative goals

iii. The danger that affirmative action can become a token initiative if it is not successful

iv. The tension between affirmative action and the constitution with regard to principles, norms and standards concerning employment rights and other related issues

e. Lessons of Affirmative Actions in India, South Africa and US
There are four lessons that can be drawn from these case studies:

i. Affirmative action should be realistic, achievable and based on accurate information

ii. Affirmative action should be focused and time-specific

iii. Affirmative action should be located within broader strategies of redress

iv. Affirmative action’s goals, activities and rationale should be communicated effectively at all levels.

5. The Goals of Affirmative Action

Affirmative action has three main goals:

a. To Change Values and Attitudes
The first goal of affirmative action should be to tackle the culture of discrimination and equality, and to create a counter-culture which can become a vehicle for the transformation of a society. This goal can be pursued by a Public Information Campaign aimed at the whole nation with the active participation of all stake-holders in the country.

b. To Empower Disadvantaged or Marginalised Groups or Individuals
The second goal of affirmative action should be to empower the disadvantaged community to participate in, negotiate with, influence, control and hold accountable, institutions that affect their lives. The empowerment could take the
form of greater access to information, inclusion and participation in the public, private and economic spheres and enable greater accountability of the state.\textsuperscript{7}

c. To Redistribute Resources within the Country
Often past accumulation of economic and political power creates regional and class imbalances between constituencies. The third goal of affirmative action should be aimed at creating equality in access to public resources, posts and educational training opportunities. Affirmative action should also be extended to positively favouring disadvantaged groups and individuals in job allocations, and education and training opportunities. This is sometimes referred to as ‘reverse discrimination’: since discrimination is now against the relatively wealthy or privileged groups. It is a form of compensatory justice and leads to advancement of marginalised groups. This will give disadvantaged groups unequal allocation of resources and job and education opportunities leading to increased investment in these constituencies at the expense of the majority of the population.

6. Who Should be the Beneficiary of Affirmative Action?

One of the most hotly contested issues within affirmative action debates concerns the question of who should be beneficiary(ies) of affirmative action? Much of the controversy has arisen owing to a number of interrelated issues such as criteria used in identification of target groups, feasibility of apportioning and disbursing money, government priorities and the status of each category:

a. Individuals
The first beneficiary of affirmative action should be individuals who have been discriminated against in the past and as a result are in a disadvantaged position. The compensation and reparation which each

beneficiary receives should be uniform and carried out in consideration of past discrimination.

b. Groups
The second beneficiary of affirmative action should be specific groups which have been discriminated against in the past on the basis of a particular characteristic. Sometimes, these groups are created as a result of a particular unjust practice, such as the development of backward classes in India. Reparation for a particular group does not necessarily mean that the individual case of each person should not also be examined; but rather that there is a basis for providing special consideration and reparation to a specific group of people who have been discriminated against in the past.

c. States or Regions
In some cases, a particular region can be under-developed owing to a host of factors (e.g. prolonged fighting in a geographical area, lack of government and direct foreign investment in a state, displacement of population, etc). The central government should pay special attention to these underdeveloped regions when a marginalised group or several disadvantaged communities reside in such a region, in order to address regional disparity, diffuse potential conflict(s) and ensure that affirmative action can be implemented.

d. Institutions
Conflicts tend to have a negative impact on particular formal (health centres, schools, etc) and informal institutions (family, church, community initiatives) which are important parts of a healthy and prosperous society. These institutions should not only be rebuilt, because of the need to advance peace but also these structures could also become channels for
affirmative action programmes, especially in the areas of education and employment.

e. Mixed
Most affirmative action programmes tend to target simultaneously individuals, groups, institutions and geographical regions according to a pre-determined formula. The focus of affirmative action programmes tend to follow government priorities, which in turn depend upon a host of variables.

7. Issues of Definition and Measurement

a. It is sometimes difficult to determine the parameters of membership of a disadvantaged group which is defined on a racial or ethnic basis due to the complexities of language, inter-marriage between racial and ethnic groups etc.

b. In the case of gender, religious and cultural factors will influence whether a 50/50 split by gender is the goal of policy in the allocation of public and private sector jobs. It will depend on society’s expectations about the role of women in the bearing and nurturing of children. Differences may well exist between Western/Arab/African and Islamic/Christian perspectives.

c. It is difficult to measure the extent of the disadvantage of marginalised groups. However, it is not impossible, as demonstrated by the Indian Government survey of 3,500 groups! Lack of detailed data should not prevent immediate action after a peace settlement to prioritise donor projects and government investment on the basis of affirmative action, and to enable greater fairness in public appointments whenever the necessary skilled labour from disadvantaged groups is available.

d. There is an obvious need to collect and maintain accurate statistics. For example, South African departments must maintain accurate statistics as demonstrated by the following excerpt from the South African White Paper on Affirmative Action in the Public Services:
Departments must maintain accurate statistics, updated annually, in respect of each of black people, women and people with disabilities on:

- The total number of employees in each group, broken down by rank and occupational class
- The number and type of training and development programmes provided and the number of employees participated in these programmes
- The number of employees recruited in the previous 12 months, and the occupational groups and ranks to which they were recruited
- The number of employees promoted in the previous 12 months and the ranks to which they were promoted

Comparative statistics must also be maintained in respect of employees outside the three target groups... The programme must also include an in-depth survey, repeated at annual intervals, to access the needs, priorities and perceptions of both all staff, both within and outside the three target groups.  

Such detailed and accurate data, on numerous areas, will take several years to be collected and properly utilised. However, steps must be taken to prepare government institutions for such an undertaking, once political decisions have been taken.

8. Issues in Different Grades of the Public Services

Maphai draws attention to the different issues affecting each grade within the public service.

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8 Ibid., p.6.
a. **Unskilled Labour**
This covers the largest number of the unemployed. Probably the fastest way to ensure a fair allocation of jobs is by quota based on population distribution, with quotas to be achieved in each department by specific dates. The numbers employed can be expanded with public works schemes where payments are made with food given as aid by foreign donors.\(^{10}\)

b. **Administrative Staff**
This covers clerks, typists and secretaries

c. **Technical Staff**
This includes engineers, architects, electrician, doctors, nurses, plumbers, teachers, computer technicians and other medical staff.

d. **The Policy-Making Cadre**
This includes senior management of public bodies and their immediate subordinates, the boards of parastatal bodies, senior civil servants and others.

For the latter three categories, a key factor is availability of trained and experienced personnel from disadvantaged groups. A difficult trade-off for affirmative action policy, especially in regard to senior appointments, is between on the one hand bringing forward individuals into more senior positions to overcome past injustices and increase democratic legitimacy, and on the other choosing the best available personnel, even if from the privileged groups, in order to ensure the best possible services to vulnerable client groups and to increase job creation through maximising economic growth.
9. Method(s) of Affirmative Action Implementation

Method 1. Civil Service Appointments Council (CSAC)
There is a need for a Civil Service Appointment Council or similar body to oversee affirmative action policy. The membership of this body must allow adequate representation of disadvantaged groups to ensure fairness in personnel appointments to those groups. At the same time, it must avoid becoming a bureaucratic bottleneck slowing down all appointments.

Method 2. Preferential Entry to Educational and Training Institutions
Disadvantaged groups will have difficulty in gaining access to educational and training institutions for a considerable time. There is a strong case for the introduction of admission quotas to these institutions with some adjustment of entry requirements for disadvantaged groups. The above can be accomplished through “access courses” which are designed for disadvantaged individuals and communities who would like to attend higher learning institutions requiring formal qualifications. Access courses allow people to receive preparatory classes and thereby catch up with people who have had better formal education opportunities.

Method 3. Preferential Treatment in Public Sector Job Allocations
Preferential treatment in public sector job allocation can take two forms:

a. Quotas
The government can reserve a percentage of public posts for target disadvantaged groups.

10 Ibid.
b. Preferential Treatment

Taking into account unequal opportunities for education and training in assessing candidate’s ability in public sector posts, the civil service could introduce selection and promotion criteria which recognise that educational achievement does not necessarily reflect intellectual ability. Decisions could also be based on merit in performance related to a specific disadvantaged or marginalised group.

A major difficulty may be the growth in the numbers of civil servants/government payroll employees following implementation of an affirmative action policy. In seeking to balance the number of civil service posts between various groups, the government may increase the total number of jobs substantially, giving all new posts to disadvantaged groups. However, this can lead to inflation, slow economic growth, less job creation in the private sector and the undermining of international confidence in the management of the economy.

Various strategies can be used to overcome this difficulty, such as the use of the ‘golden handshake’ to encourage large numbers of older government employees to take early retirement and thus make room for the new intake from the formerly underprivileged groups. Another successful strategy could be ‘food for work’ programmes in rural areas.

Method 4. Structural Adjustment Fund

The structural adjustment fund allows the government to deal with regional, sectoral and class inequalities within a country by re-directing its resources to the most needy regions. The structural adjustment fund could support a package of activities for the most disadvantaged regions/areas which could include the following:
• High-level of government spending (relative to other regions) on roads, schools, hospitals and other infrastructure
• Promotion of domestic and foreign direct investment into these areas
• Subsidised interest rates for micro-credit loans to public and private institutions in these areas
• Waiver of “user fees” on government-provided services like schools, health clinics and clean drinking water

10. Creating a Framework for Affirmative Action

Affirmative action frameworks seek to ensure that national policies are translated into practice and upheld by all citizens within the country. The design, implementation and monitoring of an affirmative action programme is an enormous undertaking requiring a basic framework for implementing the policies of factions. There are many ways to create a framework for affirmative action. However, if it is to be sustained in the long-run, there are a number of issues which must be taken into consideration by the stakeholders:

a. Commitment for Affirmative Action from Political Parties

The first step in the design of an affirmative action framework is the commitment and support from the political parties, civil society and the private sector. It is essential that the government obtains buy-ins from all the stake-holders through a consultative process and that all goals and objectives are understood and supported by both beneficiaries and non-beneficiaries of the programme.

b. Carry out Baseline Studies of the Extent of Disparity and Disadvantage and Identify Target Groups and Goals

While the affirmative action framework is drawn-up, the government must conduct research which will provide information and accurate statistics on
the extent of disparity and disadvantage as well as helping to identify
target groups and goals of the affirmative action. Accurate information
will assist the government to take objective decisions and thus ensure
continued support for the process by the political parties and civil society.

c. **Issue Affirmative Action White Paper and Receive Feedback from**
   **Actors**
   Once an affirmative action framework has been drawn-up, it must be
circulated for discussion and feedback in the form of a white paper. The
white paper will permit all stakeholders to feed their concerns into the
development and implementation of legislation.

d. **Launch Affirmative Action Framework Backed by Information**
   **Campaign**
   Once affirmative action legislation has become law, the goals, activities
and beneficiaries of the programme must be effectively and fully
communicated to all stakeholders. The information campaign should
constitute a two-way communication system to deal directly with concerns
and anxieties in an honest and open manner.

e. **Ensure Participation, Transparency and Accountability**
   The affirmative action framework must be implemented through the active
participation of all stakeholders and in a transparent and accountable
manner, which allows for open scrutiny. The affirmative action framework
should hand-over responsibility and accountability for the execution of this
programme to CSAC, EEOC and other relevant bodies.

f. **Monitor, Evaluate and Support Continuous Improvement**
   There are three important reasons why it is important to carry out
continuous appraisal of the affirmative action framework:
• To improve the affirmative action framework
• To monitor and report the activities and accomplishments of the programme to all stakeholders
• To recommend whether a programme and/or activity should be continued in its current form, changed or discontinued, and if the latter, whether a different activity should be initiated in its place

The appraisal process is made up of three elements:

• **Monitoring**: The regular and systematic collection of relevant information to measure the progress of programme implementation and to identify any problems or hindrances arising.
• **Evaluation**: The collection and assessment of information against preset programme aims and objectives.
• **Supporting Continuous Improvement**: Amending the affirmative action programme to improve policies, procedures, activities and methodology

11. Other Implementation Issues

The South African White paper on affirmative action in the public services states that:

*The affirmative action plan must be practical and realistic, and be specific to each of the three target groups. The plan must include:*

- Numeric goals for the recruitment, career-related training, development and advancement of members of each of the three target groups within a specified time period
- Target and dates for changes to existing structures, practices and procedures which will contribute to the achievement of these goals
- Standards for corporate behaviour and management style which
will support the affirmation of each of the three target groups

- The avenues for complaint open to individual employees if they believe that they have been subject of discrimination, or their legitimate needs and priorities have been undermined; and the action which will be taken against employees who are found guilty of discriminatory behaviour
- Clear guidance on the roles and responsibilities of managers and employees at all levels for supporting the achievement of affirmative action
- Guidance on the affirmative action criteria which should be included in performance assessments
  - Creative ideas for fostering a culture of diversity
  - The financial and other resources which will be provide for affirmative action activities
  - Monitoring, reporting and evaluation arrangements\textsuperscript{11}

\section*{12. Equal Opportunities Legislation: an alternative to Affirmative Action}

Unlike, India, South Africa and the US, European countries have sought to deal with the problem of discrimination and inequality through Equal Opportunities Legislation (EOL) on the grounds that positive discrimination favouring one group at the expense of another is unlawful. The thrust of equal opportunities legislation, and equal opportunities commissions which have been enacted to enforced it, is on establishing equality of opportunity rather than actively discriminating in favour of disadvantaged communities for past wrongs. Thus, EOL does not seek to address the problem of compensatory justice nor is it an advancement programme for the disadvantaged.

Under EOL, there are limited exceptions allowing discrimination in training, or encouragement to apply for particular work in which members of a particular group are under-represented. These lawful exceptions are often referred to as positive action.

In the UK, the Equal Opportunities Commission was established under the Sex Discrimination Act in 1975 as an independent institution with the following aims:

- To work towards the elimination of discrimination on the grounds of sex or marriage
- To promote equality of opportunity for women and men
- To keep under review the Sex Discrimination Act and Equal Pay Act
- To provide legal advice and assistance to individuals who have been discriminated against.12

The main advantage of EOL is that it does not create reverse discrimination. The principal disadvantage of EOL is that it does not promote compensatory justice for past wrong against a particular group which had previously suffered discrimination.

It is important that the Equal Opportunities Commission is allocated sufficient funds from the government budget to carry out its work, and that its chairman is a person respected by all constituencies as impartial.

13. Conclusion

Affirmative action offers a complicated answer to a hard question: how do we make right yesterday’s injustices? It also seeks to provide compensation to the victims of discrimination and to prevent any further wrongdoing. In this regard,

12 Equal Opportunities Commission website.
affirmative action is a component of social and economic justice which requires constant scrutiny and reappraisal.

Affirmative action seeks to affirm equality and diversity within multi-ethnic, multi-religious and multi-cultural societies, whilst integrating communities which had been excluded and marginalised in the past. This requires strong commitment on the part of all stake-holders and sacrifices by the non-beneficiaries.

Affirmative action serves as a powerful message for present and future generations. It assures the present victims of wrongs that they have not been forgotten and it stands out as a reminder of the sacrifice and cost which a nation paid to build a peaceful, just and prosperous future for all.
Books and Articles


**Official Documents**

1. **Issues of Definition.**

It is a difficult exercise to define those eligible under affirmative action legislation. If it is done by ethnic origin, is the father’s or the mother’s identity the right one to take? If it is by region, is it birth or residence in the region that matters? If it is by language, how are local dialects handled? Those who are disqualified on a technicality are often embittered by the experience.

2. **Disadvantaged Identity Reinforcement.**

Affirmative action legislation requires that those wishing to be eligible have to define themselves as such, whether by race, ethnic origin or some other characteristic. This may reinforce racial or ethnic divisions in society, undermining attempts to build national unity and the individual’s attempt to build self-confidence.

3. **Equal Opportunities and Gender.**

Attempts to achieve “equality” in Western societies have not had entirely positive outcomes. It is not clear whether gender “equality” means when only one gender can bear children. Most people would acknowledge other gender differences, whether due to “nature” or “nurture”. Research in Europe suggests women have a preference for combining work with family and community activity, whereas men generally give greater attention to full-time careers. Is this true in Africa? If so, perhaps the key issues for women are not “equal opportunities” on a career ladder, but opportunities to do paid work near the home, and flexible working hours to make it easy to combine work and family life. If this is true, decentralization of government and business
decision-making, to bring work and home closer together, is possibly more important for women’s welfare than equal opportunities legislation. Key concepts for future policy might include gender “parity” and “relational proximity”13.

4. **Use of Legislation Less Than Ideal to Achieve Social Change.**
Laws are generally a clumsy way to achieve social change. What is more important is to change hearts and minds. This is best achieved through the influence of formal religious leaders, and the activities and words of others in leadership positions in society. If affirmative action is forced on large numbers of people who resent it, it is likely to reinforce rather than reduce inter-group antagonism, and may even lead to long-term political instability as those losing out seek a change of government.

5. **Misplaced Priorities?**
Enacting and enforcing affirmative action (appointment through quotas) or equal opportunities legislation (appointment on merit) can be time and resource intensive for politicians, civil servants and the judiciary. Such legislation reallocates existing incomes and opportunities; it does little to increase them. It is a “zero-sum game”, in the short term at least. Arguably, the Sudanese Government’s focus after the war should not be on public service delivery, when the majority of people in rural areas cannot afford to pay even reduced user charges. Rather, international experience suggests that Government energy should focus on increasing the disposable personal income of the poor, mainly through an agricultural development strategy14.

6. **Application of Affirmative Action to the Private Sector: Counterproductive?**
A large part of the business sector competes with companies from other countries, both in export markets and in the home market. If affirmative action lowers the

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13 For definitions of these terms, see Michael Schluter and David Lee, *The R Factor*, Hodder and Stoughton, London 1993.
average educational standard or ability of employees to perform tasks, the result may be to reduce the company’s ability to compete with companies from other countries. This in turn may lower the number of employment opportunities in Sudan, even for the least educated categories of employees. The end result may be fewer jobs for the disadvantaged than if affirmative action had not been introduced.

7. **Some Conclusions: So What is Worth Doing?**

My view is that affirmative action is worth doing only in situations where definitions are simple, the case is transparent and the benefits for the disadvantaged beyond dispute. Generally, in my view, the benefits are easier to prove where the issue is one of investment in disadvantaged regions rather than the selection of one person over another by a quota system in national institutions. So some proposals would include:

a. Require the region of origin of all civil servants to be published regularly for both central and regional government jobs so as to ensure no regional discrimination. Each region should have a number of civil service jobs roughly in proportion to its population.

b. Require regular publication of regional investment levels in roads, schools, universities, health facilities etc, showing both the allocation of new public sector investment and regional differences in availability of infrastructure per head at the end of each period.

c. Focus Government energy primarily on achieving rapid and widely-diffused economic growth through an agriculture-led growth strategy which will benefit both the rural and the urban poor, and which will provide a tax base to fund long-term provision of public services.
Introduction

The term ‘affirmative action’ was first coined and applied by President John F. Kennedy in a 1961 Executive Order whose purpose was to guide contractors on projects funded by United States Federal Government, to racially integrate their workforce. The President’s Executive Order declared that federal contractors should “take affirmative action to ensure that applicants are employed, and employees are treated during their employment, without regard to race, creed, color or national origin.” President Kennedy’s successors, Presidents Lyndon B. Johnson and Richard M. Nixon, promoted further the policy of equality among citizens of the United States. President Nixon went several steps to further develop the Philadelphia Plan which required that contractors on federally assisted projects must provide defined goals for employment of minorities. United States federal courts upheld President Nixon’s Plan.15

The change in favour of the socially and economically disadvantaged was catapulted into the American social scene by the civil rights movement of the 1960s. Considerable number of people of all colours, professions and backgrounds, spoke out passionately and loudly against unjust discrimination, based on colour and past subjugation. The American political leadership then responded in support. The Civil

Rights Act [1964] was passed by Congress, outlawing discrimination and removing barriers, created by unjust laws and prejudice.

Under the Act, the Employment Opportunity Commission was established and was linked with another new institution, the Office of Federal Contract Compliance. Both operated effectively and actively as enforcement agencies for implementation of affirmative action plans and programmes.16

The Republic of South Africa was another home of prejudice where social exclusion based on color, had been developed, nourished and sustained for years. But change in favour of the disadvantaged came after long periods of violent resistance and war. At the beginning of the 1990s, the leaders of that country reached a historic agreement to dismantle apartheid and to replace it with the principles of equality, equity, and democracy to give recognition to human dignity for all. Since then, plans and programmes of affirmative action were put in practice under new constitutional provisions, new laws and regulations.17  Targeted as a priority under the programmes, has been the transformation and reformation of the public service to make it a service-oriented institution, with public employment based on equity and equal opportunity.

The Republic of India promulgated its present constitution at independence, in 1949. India had its own brand of discrimination: the caste system. The people of India, under Ghandi and Nehru, promulgated their constitution which has outlawed the caste system and incorporated “the principle of equality of status and of opportunity for all its citizens.”

The Nigerian constitution and laws, emanating from it, addressed yet another brand of discrimination: one based on tribe and regions. The constitution and public service laws and regulations do now ensure that there is equity and equal opportunity in

16  Ibid.

17  Article 9 of South Africa Constitution; Public Service Laws Amendment Act [1997]. Employment Equity Act [1998].
public employment for citizens of all regions of Nigeria. Representativeness and service-oriented policies are central to public employment.

From what has been recorded of some relevant aspects of practices in the four states, to which reference has been made, it seems clear that unjust discrimination takes many forms and is based on a variety of reasons; it also disturbs social peace, fundamentally, but it has in the end to yield to change in favour of the disadvantaged. When unjust discrimination is removed and replaced with equality, justice, equity, democracy and accountability, peace and tranquility are achieved.

For the Sudan, unjust exclusion has been there in practice but past constitutions, laws and regulations did not give it special ordination, until about a decade and a half ago. There were no discriminatory laws as was the case in South Africa and in the United States. But there was discrimination, all the same, on grounds of historical prejudices, on alleged security of state secrets and, more recently, on grounds of religion. All these call for affirmative action, in this special context. The subject is addressed in this paper which has examined some aspects of the Sudan constitution [1998] and proposed key constitutional amendments, their replacement with new ones, based on the spirit and the letter of important provisional agreements, concluded between the parties, the GOS and the SPLM.
Role of Affirmative Action: In Peace-Making and In Post-War Reconstruction

Problem Defined

“If the socially and the economically disadvantaged in society have a perception that the system provides an edge to the advantaged then they will also have a perception that the system must change if they are to receive benefits of equal opportunity for jobs, government contracts and access to colleges and universities.

To be a fair and equitable society it is critical that those who are disadvantaged regardless for whatever reasons see light in a tunnel and know there is true equal opportunity for them to become the best they can”.18

In 1954, a year before the Sudan obtained political independence, a Sudanization Commission, headed by a Sudanese chairman, with membership of an Egyptian, a British and others, was appointed by the government.

The commission’s task was to Sudanize posts in the public service that were then occupied by British and Egyptian expatriate officials. 913 posts were available for Sudanization in the central government and in nine provincial administrations, including three in the Southern Sudan. It was a period of great anticipation and excitement, for the people of Sudan.

Many expectations for promotions in the public service were raised by the prospects of Sudanization. A considerable number of public servants in the Southern Sudan expected to benefit from it. Northern Sudan political leaders in government and

opposition alike, openly encouraged these expectations, and even squandered public statement to that effect, raising further and reinforcing those expectations.

The Self-government Act [1953] had made it mandatory for any cabinet government to reflect the need for some representation of the Southern Sudan. Two ministers from the South were appointed into a 15 man transitional cabinet, a representation of 13.4%. Though modest, the presence of the South in the cabinet further heightened expectations of even better prospects for equitable representation in the public service.

On the other hand, expatriate personnel who were losing out in the Sudanization process believed the move would lower standards of performance that existed then in the public service. They cited inexperience and inadequate educational standards of Sudanese aspirants for the posts.

But it was generally understood that implementation of policies called for flexibility when weighing qualifications based on education and experience. Degrees from Oxford and Cambridge would not certainly be the yardstick for measuring educational qualifications. By the same token, it should have meant that candidates from Southern Sudan, considered for these job opportunities, would receive special consideration, especially that they were lead to expect no mean share of the spoils of Sudanization. Such other qualifications as talents, skills, character and the fact that they came from a special region of the country would have been considered, along side comparable educational advantage and experience of Northern Sudanese. Added to these was another consideration: the need for broad representation and equity in public employment. From the onset of political independence, the Sudanese public service and administration needed to be representative of its own regional, religious, cultural and racial diversities.

However, Sudanization went ahead as planned. Recruitment into the service was based on the merit system of education and experience - and nothing else seemed to
matter. The Sudanization commission overlooked the requirements of equity and representativeness of all the regions in the emerging Sudanese public service.

When Sudanization was completed at the beginning of 1955 and the outcome was unveiled, it was greeted with profound and open disappointment in the Southern Sudan. The result was a far cry from what the government and the opposition in the North had made the South to expect. The only two ministers from the South eventually resigned, in protest.

Out of the 913 posts Sudanized, only six (6), Southern Sudanese benefited and only in the lowest junior posts. 907 posts, representing 99.34%, went to Northern Sudanese.

What justified this mean outcome was closely questioned by the South. In response from both the government and the Northern opposition, the merit system - education and experience - was cited. The argument was that there were simply no Southern Sudanese with the educational standards and the experience required to qualify them for the posts beyond those six.

All the 23 administrative districts of the South then run by British District Commissioners were “northernized”, creating the distinct impression that political independence was a mere change of external rulers.

As already observed, educational standards and experience were relative at the time as they are today. Education and experience of the 907 northern Sudanese who got the jobs were quietly questioned by the expatriate graduates of Oxford and Cambridge and the retired majors of the British army, who held and then lost some of those jobs.

Forty-eight years later, in 2003, the Sudan public service is far from being broadly representative in composition of the people of the two regions. At the beginning of 2003, there were 31 executive ministries and four (4) coordinating ministries, at the federal level; each of the executive ministries has an under secretary; at least one (but
probably two) deputy under secretaries; about five (5) assistant under secretaries and many heads of departments. None of the first 930 senior public servants in 31 executive ministries is a Southern Sudanese. And it is the same story with the four coordinating ministries, which normally have less number of public servants than the executive ministries.

Subject to further quantitative exposition of staff composition and also qualitative findings on how discriminatory practices are promoted, it can nevertheless be safely asserted that the federal government public service, below managerial levels, is also grossly lacking in Southern Sudanese public servants. And this has been the case in the 47 years of Sudan’s independence; and the disparity gap is still growing.

**Reasons for exclusion of the Southern Sudan from federal public service**

The reasons often muted but not publicly and explicitly stated to justify exclusion of Southern Sudanese from the national public service include security of state secrets, religion language barriers, culture, race, education and historical prejudice.

What are the constitutional and legal bases for these practices?

**Constitutional and legal basis of exclusion from the federal public service**

The constitution of the Republic of Sudan accommodates two sets of seemingly contradictory provisions. One provides for a public service whose personnel should be inclusive, recruited on a fair and equitable basis. Article 126 states:

“(1) The public service is all those employees in the state who carry out the function assigned to them.

(2) The state shall abide by fairness in assigning public posts on the basis of academic and practical qualifications with regard to due balance.
(3) The law shall organize the duties of the public service and shall as well
determine the terms of service and rights of employees”.19

The constitution also provides for Employee Justice Chamber for employees in public
service, at both the federal and state levels.

The head of the Employee Justice Chamber is appointed and his work is supervised
by the President of the Republic, at the federal level, and governors of states appoint
and supervise the work of heads of Employee Justice Chambers, at the state level.

The requirement of fairness in assigning public posts provided under article 126 (2)
means that those in the leadership of public service are bound to observe equity in
recruitment into the service. This, however, has not been the case in practice, before
and after, the promulgation of the Sudan constitution. So what are the other
constitutional justifications for not observing the provisions of articles 126 and 127?
There is a second set of contradictory provisions on which those authorized to recruit
citizens into the public service, commonly rely. These are articles 4, 18, 19, 65 and
122 of the constitution. They provide the answer to the question posed.

**Article 4 provides:**
“Supremacy in the state is to Allah the creator of human beings and sovereignty is to
the vicegerent people of the Sudan who practice it as worship to Allah, bearing trust
building the country and spreading justice, freedom and public consultation. The
constitution and the law shall regulate the same."

**Article 18 provides:**
“Those in the service of the state and public life shall envisage the dedication thereof
for the worship of Allah, wherein Muslims stick to the Koran and Sunna and all shall
maintain religious motivation and give due regard to such spirit in plans, laws,

19 Articles 126 and 127 of the Constitution of the Sudan [19998].
policies and official business in the political economic, social and cultural fields in order to prompt public life towards its objectives and adjust them toward justice and uprightness to be directed toward the grace of Allah in The Hereafter.”

**Article 19 provides:**
“The directive principles are general objectives which state organs and employees seek and are mans that guide them. They are not defined rules controlled by constitutional adjudication; however, they are principles that the executive organ is guided by in its projects and are observed by the legislative organs in laws, recommendations and control measures, and to which all who are in the service of the state aspire.”

**Article 65 provides:**
“Islamic Shariah and the consensus of the nation, by referendum, the constitution and custom shall be the sources of legislation, and no legislation in contravention of these fundamentals shall be made; however shall be guided by the nation’s public opinion, the learned opinion of scholars and thinkers, and then by the decision of those in charge of public affairs.”

**Article 122 provides:**
“The People’s Armed Forces are military forces of national composition; their mission is the protection, security, preservation of the safety and participation in the construction of the nation; they also protect the achievements of the people and civilized orientation.”

Though the state is required by article 126 to be fair in its employment policies, this is all subject to these other provisions of the constitution which limit such employment to specific categories of people. These public officials are required in their service

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20 Civilizational orientation is commonly known as arabo-islamic project, that should eventually be the equivalent of western civilization.
and public life “to stick to the Koran and Sunna in making public plans, laws, policies and in conducting public business” in political, economic, social and cultural fields.”

These constitutional provisions bind and control all, including those in the executive, the legislative and the judicial organs. In line with this control, the courts have interpreted “custom” to mean one which is not contrary to the Koran and the Sunna.

These five articles of the constitution and others, communicate special commands; discrimination by constitutional exclusion on grounds of religion, culture and language with implicit racial overtones. They underpin what has been a long-standing practice - exclusion from the public service.

**Affirmative Action (in Peace-making)**

Sudanization triggered off dissatisfaction in the South and is regarded to have been one of the greatest threats to peace between the two regions, along side economic and social marginalization.

The mutiny of August 1955 and the subsequent civil wars have mainly been reactions to what was perceived in the South as unfair exclusion. There is thus no doubt that affirmative action can play a helpful role in peace-making, if it is incorporate into public policy, in particular equitable employment policies.

Current negotiations in Kenya, between the Government of Sudan [GOS] and the Sudan People’s Liberation Movement [SPLM] have enkindled a new hope for peace, based on justice and equity. The practical aspects of this hope is that the parties, the Government of Sudan [GOS] and the Sudan People’s Liberation Movement [SPLM] agreed, among other things, “to ensure that the national civil service and the national ministries become representative of the people of the Sudan and that specifically the people of Southern Sudan shall be equitably represented at the senior and middle levels.”
In the process of these negotiations, the parties have also tentatively agreed to assign between 33% and 40% of established national public service posts, to the Southern Sudan. This may prove to be one of the most significant packages in the prospective peace settlement and it may constitute a long stride toward peace, especially if the public service is transformed into a service-oriented institution, capable of delivery of services and execution of economic plans and programmes.

In order to achieve this basic and important step, a number of things will have to be carried out to ensure that the parties go the long way to achieve peace and that justice is done to all - especially the historically disadvantaged, without being necessarily unjust to the advantages, across the regions and various levels of the public service and administration. Socio-economic imbalance will also have to be addressed and corrected.

**Affirmative Action and National Census Count**

The first subject to address is to conduct a national census count as soon as the peace agreement is concluded. Among other purposes to be accomplished, the census will reveal the actual ratios of Southern Sudan population to the overall national population. On the basis of the census results, the tentative 33% to 40% of the established posts, assigned to Southern Sudan by the provisional agreement, will be reviewed and readjusted, if that becomes necessary. The census results will also show the overall percentages of women, the disabled, children and the over 60 years old, to the total national population. And the census count should even be extended to identify the various populations of national groups and their regional distribution.

The results of the census also will be used to guide public service planners and operators in economic and social plans and programmes and in equitable service delivery to citizens; it will also assist in plans and programmes of post-war relief, rehabilitation, resettlement and reconstruction in Southern Sudan and other war affected areas. Finally the census results will assist in plans and programmes of affirmative action, at the level of Southern Sudan, the states and autonomous regions.
of the Northern Sudan. This will be necessary for the establishment of new public service and administration, founded on employment equity, in the allocation and distribution of material resources and in the provision of equal opportunities for public employment.

**Affirmative Action and Transformation and Reform of Public Service**

The second subject to address comprehensively, is transformation and reform of the public service and administration, at all levels; the federal ministries and departments, the administration of Southern Sudan, the states and the autonomous regions of the Northern Sudan.

The provisional agreement between the GOS and SPLM, to open up the national public service to Southern Sudanese is the initial historic step toward transformation and reform. The public service needs to be efficient, effective, transparent and accountable; it needs to be transformed and reformed to achieve specific goals and objectives; it should be a vehicle to deliver equitable services to all citizens of the whole Sudan; it should effectively undertake the responsibilities of national economic and social progress; it should be overhauled and reshaped into a democratic and equitable caring institution, capable of integrating affirmative action plans and programmes into its own reformed structures, plans and programmes. And this means all public officials should be involved, from the under secretary of a ministry, to the most junior official, in the implementation of affirmative action plans and programmes of the public service, at all levels of the national government, in the Southern Sudan and in states and autonomous regions.

**Amendment of the Constitution [1998]**

Transformation and reform will involve amendment and repeal of some key provision of the constitution, laws, and regulations and bringing to an end, practices that offend against affirmation action. For instance, the five articles of the Sudan Constitution
[1998], to which reference has already been made, will have to be repealed. The parties will have to reach an agreement, explicit or implied, on these provisions. At the national level they constitute a source of unjust discrimination.

While repeal is called for and is required, provisions, such as article 126 (2) and other (new ones), should be incorporated into a new interim constitution to lend support and to promote affirmative action. Such provisions will include:

(a) creation of a national public service commission which should have authority over all public servants, including personnel of public corporations and related authorities, at the national level.

The commission should be responsible for recruitment, promotions, transfer and discipline of public servants. It should be representative of as wide a geographical area as possible, with special representation of Southern Sudan. In its functions of recruitment and promotion, the commission should ensure that the public service is representative of all the different states and regions, and the Southern Sudan.

The constitution should impose a duty on public servants the need to discharge their functions with fairness and equity.

Law and regulations based on these constitutional provisions should ensure that in-service and pre-service training is undertaken for public servants, that a culture of mutual cooperation is developed and encouraged in the workplace, that special personnel in the public service undertake these responsibilities. These special personnel should include human resource managers, finance and training officers, affirmative action officers and others.

The states, the autonomous regions and the Southern Sudan should establish similar commissions in their regions.
(b) establishment of a second chamber of the national legislature; it should be composed of representatives of states and autonomous regions of the Northern Sudan as well as Southern Sudan. Members of the second chamber should be selected by legislatures of the states and autonomous regions and the State of Southern Sudan. Each of these areas will constitute one single constituency.

Representation in this second chamber should be directly related to the populations of the states, autonomous regions and Southern Sudan.

Functions of the second chamber will include taking part in the appointment of judges of the constitutional court and federal judges of the supreme court and other national public officials.

A joint committee of the two chambers should be created to coordinate work between the two institutions.

The overall task of the second chamber is to enable the states and autonomous regions of the Northern Sudan and Southern Sudan, to participate in the work of the national legislature.

**Law, Regulations and Affirmative Action**

Affirmative action plans and programmes, inspired by new laws and regulations should include promotion of new ideas; they should, among other things, widen the basis of recruitment into the public service, from the narrow basis of education and experience to include talents, skills, reflective of regional diversity and character. Recruitment will be preceded by adequate advertisements of the posts: in newspapers, by posters, on radio and on television. Ample time should be given for applicants for posts to apply and attend interviews. Interviews should be conducted by committees that must include affirmative action compliance officers and managers of human resources.
Senior leadership of the public service, such as under secretaries of ministries, their assistants and those others, placed in management positions, should be charged with responsibilities to promote affirmative action plans and programmes. Among other things, they will be required to prepare and present regular reports to ministers and through the later to the legislatures, on progress of affirmative action plans and programmes.

Legislatures, at all levels, will also be required to establish legislative committees as watch dogs over implementation of the affirmative action policies, plans and programmes, inspired by the new interim constitution, laws and regulations.

All these various bodies and individuals, involved in affirmative action should also ensure that they coordinate their work and make the necessary directives to promote affirmative action.

Resistance to affirmative action should be expected. However, there can be little doubt that it has an important mission that should be promoted. A recent Green Paper, prepared by the Department of Public Service of the Republic of South Africa expressed, succinctly what it called affirmative action mission as “facilitating the development of an equitable, service-oriented public service that is effective, efficient, accountable and affirming of the disadvantaged.”

Good policies, on paper, are no policies. Effectiveness and efficiently are required to see policies translated into action and practice.

Reform, in practice, of the Sudanese public service cannot come overnight and without conscious effort, drive, vigilance, perseverance and accountability.

Representatives of GOS and the SPLM who are now engaged in negotiations seem to fully realise that affirmative action is an important principle. If they accept affirmative action and give it place in the negotiations, it can have a positive role in
peace-making and can lead to the establishment of a just, equitable and democratic society, if a peace agreement is concluded and implemented.

In-built biases and prejudices that maintain unjust exclusion of others from the public service and administration should not only be frowned upon; they should be visited with the punishment of the recalcitrants.

**Role of Affirmative Action in Post-war Reconstruction**

Currently, the war has displaced 4,425 million people in the Southern Sudan. These exclude those in refuge in Egypt, Libya and Europe which account for an estimated total of 25,000, bringing the total of the displaced in the Southern Sudan to 4.675 million. This number excludes the displaced from Southern Blue Nile, the Nuba Mountains and Abyei. Those displaced in these areas are estimated at 450 to 500 thousand or more. A grand total of six (6) million people are displaced in Southern Sudan and the three areas.

There will be several post-war concerns if peace is concluded. The first of these will be public service and administration; the second will be repatriation, relief, rehabilitation and resettlement and the third will be reconstruction and socio-economic development that takes into account the need to compensate for past imbalances. All these three are briefly examined below.

a. **Public Service and administration**

At the national level, the war has further negatively affected and distorted goals and objectives of the public service. As the parties, the GOS and SPLM, strive to reach and conclude a peace agreement, the public service will be a subject of concern. Post-war public service will need to be reviewed and overhauled, at the federal level and also at the levels of states and autonomous regions in the Northern Sudan. In Southern Sudan, public service will have to be established from scratch. Procedures for recruitment into the service have already been addressed and need not be elaborated upon here. Suffice it to stress that the public service should be established
and run on equitable basis; to provide equal opportunities in public employment, to serve all citizens fairly and with justice, in the delivery of social services, in even economic development and to compensate for past imbalances. For it is to discharge its responsibilities effectively and efficiently, the service should have an adequate degree of independence and must be well remunerated.

b. Repatriation, relief, rehabilitation and resettlement
A body, that may be a commission, will have to be established to direct and supervise the work of repatriation, relief, rehabilitation and resettlement. One of the functions of the commission will be to coordinate work of NGOs, in particular regional and international NGOs.

The services that will be offered by the government and the NGOs will generate jobs - requiring employees and transport of returnees and goods. Distribution to and management of relief, rehabilitation and resettlement resources in various areas, must be based on justice and equity, such a programme should provide equal opportunities for employment, to the people of these areas. The same goes for contracts for transport of relief, rehabilitation and resettlement goods. Tenders for such contracts should be offered to local business community of the area, affected by the war. Experience has sufficiently shown that there has been unfairness in the business market which will need to be corrected.

c. Reconstruction
The war has destroyed physical and social infrastructure. Roads, water supply points, buildings - schools, healthcare centers, agricultural extension units, wildlife conservation stations and forestry protection centers, to name but a few - have been completely destroyed. Moreover, human resources - teachers, healthcare personnel, public administrators, agricultural and veterinary extension personnel, accountants, book-keepers, engineers, finance officers, members of the police and prisons forces, magistrates and others - will require in -service training in order to be able to provide efficient and effective services to the societies they are employed to serve. Physical
and social programmes of reconstruction will require enormous human and material resources.

Both the regional and the international communities have indicated interest to assist the federal government and the prospective government of Southern Sudan, in social and physical reconstruction of the war affected areas. Everything depends, of course, on the GOS and SPLM reaching an agreement that will bring real peace to the country.

Recently, the federal government established a special fund for reconstruction of the war-affected areas. It appointed an executive secretary for the fund; appointed a board of trustees, composed of 18 persons under the patronage of the Vice President of the Republic. Questions whether the board of trustees is representative of various relevant constituencies of society need not be raised here, though they are worth discussing in not such a distant future.

The government made an initial donation of 2.5 billion Sudanese dinars, an equivalent of about four million United States dollars; Sudanese business community has thus far raised and pledged a total of four billion Sudanese dinars or about 16 million USD, in cash or in kind; the Arab States have raised and pledged the sum of 175 million United States dollars. The services that the fund should offer to people of the war affected areas will be considerable and beneficial, if in practice, implementation is based on justice, equity and transparency and utilized real needs.

To begin with, the administration of the fund should provide equal opportunities for jobs, from senior to middle level managers and to junior and manual jobs in the operational areas. Secondly, contracts for the implementation of reconstruction programmes should go first to the people of the area.

This work is inclusive of reconstruction of trunk and feeder roads, school buildings, healthcare centers, repair and reconstruction of public buildings, provision of supplies
and services, and others. Local business should be the economic backbone of tomorrow’s government, at all levels in Southern Sudan and other areas. Hence it should be supported in all legitimate ways. Tenders for contracts, involving large-scale construction works, like for instance, highways and big bridges, may be extended to business communities of other areas of the country as well as regional and international contractors. On the other hand, contracts for reconstruction of trunk and feeder roads, school buildings, healthcare centers, repair and reconstruction of public buildings, provision of supplies and services, should all go to local community in the war affected areas. Farmers should also be cared for, to increase productivity.

**Conclusion**

If the GOS and SPLM agree now or in the near future to adopt and to commit themselves to these policies and undertake to abide by them in the constitution and the laws, affirmative action can and should play a positive role in peace-making and post-war peace-building.

This is what the wealth of experience has demonstrated in other nations - states, briefly examined in the Introduction. Social and physical peace cannot be sustained in any society that is not positively responsive to social, economic and political justice, to equality of status and opportunity for all, and to liberty of thought, expression, belief, faith and worship, which all combined, assure the dignity of every citizen and in consequence, the unity and the integrity of the nations-states.
(1) INTRODUCTION:

May I state, from the outset, that the subject of "Affirmative Action" is a very emotional one and therefore not easy to handle politically, especially if it is meant (as we shall see below) to correct past political and socio-economic ills and imbalances in society. This depends also, to a very large extent, on the kind of society we are dealing with. If the majority of the population and the world at large considers a particular society and its government as non-democratic within the internationally accepted definition of democracy*, then the issue can be quite problematic. For a more detailed treatment of the problems of democracy in Africa and its more universal definition, please see my book on this subject on the African Renaissance**.

Normally, the people at the apex of any society are used to certain privileges associated with the political and economic power which they wield. It is human, therefore, for such people to want to hold on to such powers and privileges as long as and as much as they can. They can, sometimes grudgingly relax a little here and there and share some of these powers and privileges with the underdog in their society, but only so long as this does not unduly, in their view, impinge on those powers and privileges.

The country in which we have had some experience in dealing with on this subject is South Africa. Vincent Maphai, writing on the "Transition and Affirmative Action in South Africa" in relation to the public sector states the following:
"The current transition of South Africa from an authoritarian, racist state towards a non-racial democratic society puts under spotlight all institutions and symbols of power. The civil service is no exception. It is a powerful institution which has gained notoriety in many circles. Within the business sector it is seen as a white elephant and a bottomless pit. English-speaking South Africans perceive it as a citadel of Afrikaner power. Blacks regard it as the cornerstone of oppression. Put these views together, and the result is calls for a complete overhaul of this sector, as part of the dismantling of apartheid."**3

It is usually the case in Africa that where a country is going through political transition as it was in South Africa and is now likely to happen in Sudan in the very near future, assuming that a peace agreement will be signed soon between the Government of Sudan and the Sudan People's Liberation Movement, the question of affirmative action will be at the centre of the transitional period. And naturally, the area of governance and the concentration of political power on which most attention will be directed is the **public sector**. This is because the **private sector** is usually very small in terms of its control of the economic resources of the country. Moreover, its development and progress invariably depends on the patronage by those in power in the Executive Branch Government and who deal primarily with the public sector which they control and promote. As a matter of fact, this is always the case in many countries in Africa, if not all, where a sizeable economic middle-class has not yet emerged to form and control the private sector. If the present trend and tempo of globalization continues and Africa falls under its overarching influence, which is inevitable, then this situation may change and the role of the private sector becomes more important than it is at the moment. The question of **gender**, which is already important, will become even more so. On this question, Vincent Maphai has written as follows as regards South Africa:
"Political reform in South Africa presents a major irony. Even if the civil service were perceived in a positive light, there would still remain one major reason why it should be restructured: Political reform necessarily requires rationalization of the civil service which has been duplicated by the requirements of separate development. As a result, the civil service is simply too huge. Yet, the very reform may demand the expansion of this seeming white elephant. A new, mainly black government is likely to demand greater representation of Blacks in key positions of the civil service. Black interest and willingness to serve in this sector has arisen only lately and as a result of reform. Previously, Blacks associated with the apartheid civil service, in influential positions exposed themselves and their families to definite perils."

I said at the beginning of this paper that the subject of affirmative action is a very politically charged notion and therefore needs to be very carefully handled. In fact, the eventual behaviour of those who wield power in their willingness to accept sometimes very drastic reforms in the political and socio-economic sectors as a result of changed circumstances and the need to keep the fabric of society together, will depend on how much they feel they will lose. In my view, I believe that any such fears are usually misplaced because affirmative action, by its very nature, is always evolutionary and incremental. Actually my advise to the South African government during our negotiations which produced the final peace agreement in April 1994, has been borne out and withstood the test of time. I am referring to certain sensitive specific issues here and time does not permit us to go into details.

In any case, in so far as Sudan is concerned, I have taken my cue and encouragement from what the leaders themselves want. Although we do not know yet what the final shape of the peace agreement will be, and I hope we shall do so very soon, I believe that the purpose of the proposed six-year transitional period in the first Machakos Protocol was for the parties to the conflict to have the chance to preserve the unity of Sudan. They are to demonstrate to each other that they are prepared to live together
in one country with full and unadulterated equality. And, one of the cardinal principles which will promote this concept of unity is affirmative action and its application. I am not saying it will be the only litmus test. No, there will be many others. I was very much encouraged by what President Omar Hassan al-Bashir said only a few days ago and I quote:

"Sudan could not keep the country unified by force and has to secure a just end to its 20 year-old civil war to prevent secession by the South.... The experience of imposing unity by force has failed." *5

The above statement reminds me of a similar one made by former President F.W. de Klerk of South Africa in which he admitted the failure of the policy of "Apartheid" or "Separate Development" and apologized to the African people. It was statesmanlike and so is President Bashir's also. I am sure it will have the same electric and positive effect on the parties to the conflict in Sudan as de Klerk's had on the black African people of South Africa who had endured more than 350 years of racial discrimination. So, this statement by Bashir has encouraged me to give below the historical context from which affirmative action should be viewed in Sudan. That is why I always like to quote the late Sir Winston Churchill who said the following about history:

"The farther backward you look, the farther forward you are likely to see" *6

This was, in fact, the moving spirit behind the choice of the title of this paper. I believe that without knowing a little about their history, the Sudanese people, Arab and African, will never be able to realistically and objectively confront their present. I do not think that all who choose wrong roads perish; but their rescue consists in being put back on the right road. A wrong sum can be put right: but only by going back till you find the error and working it afresh from that point, never by simply going on. Evil can be undone, but it cannot 'develop' into good. Time does not heal it. The only medicine in this case is the application of Affirmative Action.
(2) THE DEFINITION OF AFFIRMATIVE ACTION:

Before we have a brief look at the history of Sudan, let us first of all be quite clear about what affirmative action really is. There are many definitions of affirmative action, but let us look at the one closer to the African situation:

"'Affirmative action' refers to a variety of programmes and measures, characterised by attempts to redress the historical gender and racial inequalities. In the context of public service, affirmative action would involve the disadvantaged (Blacks and female) receiving preferential admission to certain positions in the civil service*7 The concept has also a variety of connotations*8 However, for the purposes of this discussion, affirmative action is used interchangeably in two crucial senses."

First, there is a sense in which affirmative action is used to refer to what is usually characterized as "fair equality of opportunity", a concept which contrasts with formal equality of opportunity that involves solely the abolition of discriminatory legislation without addressing the problem of historical imbalances and injustice. In other words, the mere push for the so-called fair and equal opportunity through the abolition of racial legislation, does not, in itself, mean the emergence or achievement of real equality. Those who are traditionally privileged, as we have pointed out above, may continue to enjoy advantages and continue to have privileges at the expense of underprivileged poor. Real equality is usually achieved through the exercise of economic power accumulated over time. To prevent this, it may be necessary to employ additional measures to empower the disadvantaged. Such a process usually involves the provision of additional financial, educational and special training facilities in order to establish a base for effective competition and participation.
Secondly, there is the other consideration that if the corrective measures envisaged by fair equality of opportunity prove inadequate, then an alternative is worth considering, namely: "Reverse Discrimination." This measure is usually advocated in order to facilitate access for those whose qualifications are lower as a result of unjust discrimination in other situations or for reasons of compensatory justice. The other alternative is simply to insist that qualification or merit is the only criterion and that if this results in the continuation of inequality, then the problem needs to be attended to at a much more fundamental level.

Often these two concepts of affirmative are used interchangeably. However, there are compelling reasons - moral and analytic - why a strict distinction should be made between these two connotations. It may be less problematic to justify one than the other, or worse still, one policy might prove counterproductive. However, the thing to remember is that the notion of affirmative action should not be reduced to a mere advancement programme for the disadvantaged. This does not mean that the notions of black advancement and affirmative action are altogether unrelated. Affirmative action is a means to an end, that being black advancement. This means that commitment to black advancement does not require prior, or simultaneous subscription to affirmative action.

(3) THE HISTORICAL CONTEXT OF AFFIRMATION ACTION IN SUDAN:

The purpose of this paper was to examine the role which affirmative action can play in both peace-building and peace-making during the post-war reconstruction in the context of the history of Sudan. This necessarily means that we have to know the history of the country both from the stand-point of the land and the people. This is extremely important because it will provide a historical backdrop from which a justification for affirmative action would be made. Usually, in a situation like the Sudan, with thousands of years of a history of political and economic marginalization of its people not only by foreign powers that invaded and colonized it, but also by the internally powerful political elites, this historical background cannot be ignored. It is
not an easy subject because a reference to history can be painfully emotional. That is why I feel encouraged when some far-sighted leaders of Sudan, both Arab and African, have demonstrated their willingness to confront the injustices of the past and then try to make amends. It is only in this way that the unity of Sudan, which all of them aspire to, can be maintained.

(a) The Land: The best description of the land covered by what we know to-day as the Republic of Sudan was made by Sir. Winston Churchill This is how he described the land:

"The north-eastern quarter of the continent of Africa is drained and watered by the Nile. Among and about the headstreams and tributaries of this mighty river lie the wide and fertile provinces of the Egyptian Soudan. Situated in the very centre of the land, these remote regions are on every side divided from the seas by five hundred miles of mountain, swamp, or desert. The great river is their only means of growth, their only channel of progress. It is by the Nile alone that their commerce can reach the outer markets, or European civilization can penetrate the inner darkness. The Soudan is joined to Egypt by the Nile, as a diver is connected with the surface by his air-pipe. Without it there is only suffocation... The town of Khartoum at the confluence of the Blue and White Niles, is the great spout through which the merchandise collected from a wide area streams northwards to the Mediterranean shore. It marks the extreme northern limit of the fertile Soudan. Between Khartoum and Assuan the river flows for twelve hundred miles through the deserts of surpassing desolation. At last the wilderness recedes and the living world broadens out again into Egypt and the Delta."

While Churchill believed that the real Sudan which was known to the statesman and the explorer, lay far to the South, moist, undulating, and exuberant, he first turned to a
very colourful description of the land to the North between Wadi Halfa and Omdurman.

This is what he wrote:

"But there is another Soudan, which some mistake for the true, whose solitudes oppress the Nile from the Egyptian frontier to Omdurman. This great tract, which may conveniently be called 'The Military Soudan', stretches with apparent indefiniteness over the face of the continent. Level plains of smooth sand are interrupted only by occasional peaks of rock - black, stark, and shapeless. Rainless storms dance tirelessly over the hot, crisp surface of the ground. The fine sand, driven by the wind, gathers into deep drifts, and silts among the dark rocks of the hills, exactly as snow hangs about an Alpine summit; only it is a fiery snow, such as might fall in hell...Through the desert flows the river - a thread of blue silk drawn across an enormous brown drugget; and even this thread is brown for half the year. Where the water laps the sand and soaks into the banks there grows an avenue of vegetation which seems very beautiful and luxuriant by contrast with what lies beyond. Yet the character of the vegetation is inhospitable. Thorn-bushes, bristling like hedgehogs, everywhere predominate and with their prickly tangles obstruct the path. Only the palms by the brink are kindly, and men journeying along the Nile must look often towards their bushy tops, where among the spreading foliage the red and yellow glint of date clusters proclaims the ripening of a generous crop."

But Churchill's description of the River Nile and the life it offers to the peoples of the countries through which it passes, and especially Sudan and Egypt, cannot be surpassed by any writer. Again, this is what he wrote about the Nile, a river which is still controversial up to today:
"There is life only by the Nile. If a man were to leave the river, he might journey westward and find no human habitation, nor the smoke of a cooking fire, except the lonely tent of a Kabbabish Arab or the encampment of a trader's caravan, till he reached the coast-line of America. Or he might go east and find nothing but sand and sea and sun until Bombay rose above the horizon. The thread of fresh water is itself solitary in regions where all living things lack company... Through all the centuries the great river has performed the annual miracle of its flood. Every year when the rains fall and the mountain snows of Central Africa begin to melt, the headstreams become torrents and the great lakes are filled to the brim. A vast expanse of low, swampy lands, crossed by secondary channels and flooded for many miles, regulates the flow, and by a sponge-like action prevents the excess of one year from causing the deficiency of the next. Gradually the flood begins. The Bahr-el-Ghazal from a channel of stagnant pools and marshes becomes a broad and navigable stream. The Sobat and the Atbara from dry watercourses with occasional pools, in which the fish and crocodiles are crowded, turn to rushing rivers. After its confluence with the Atbara no drop of water reaches the Nile, and it flows for seven hundred miles through the sands or rushes in cataracts among the rocks of the Nubian Desert. Nevertheless, in spite of the tremendous diminution in volume caused by the dryness of the earth and air and the heat of the sun - all of which drink greedily - the river below Assuan is sufficiently great to supply nine millions of people with as much water as their utmost science and energies can draw, and yet to pour into the Mediterranean a low-water surplus current of 61,500 cubic feet per second. Nor is its water its only gift. As the Nile rises its complexion is changed. The clear blue river becomes thick and red, laden with the magic mud that can raise cities from the desert sand and make the wilderness a garden."

*11
Churchill reserved a description of the land south of Khartoum to the last. This is what he has described as the **real Sudan**. Let us see what he said:

"**South of Khartoum** and of 'The Military Soudan' the land becomes more fruitful. The tributaries of the Nile multiply the areas of riparian fertility. A considerable rainfall, increasing as the Equator is approached, enables the intervening spaces to support vegetation and consequently human life. The greater part of the country is feverish and unhealthy, nor can Europeans long sustain the attacks of its climate. Nevertheless it is by no means valueless. On the east the province of **Sennar** used to produce abundant **grain**, and might easily produce no less abundant **cotton**. Westward the vast territories of **Kordofan** and **Darfur** afford grazing-grounds to a multitude of cattle, and give means of livelihood to great numbers of **Baggara** or **cow-herd Arabs**, who may also pursue with activity and stratagem the fleet giraffe and the still fleeter ostrich. To the south-east lies **Bahr-el-Ghazal**, a great tract of country occupied by dense woods and plentifully watered. Further south and nearer the Equator the forests and marshes become exuberant with tropical growths, and the whole face of the land is moist and green. Amid groves of gigantic trees and through plains of high waving grass the stately elephant roams in herds which occasionally number four hundred, hardly ever disturbed by a well-armed hunter. The ivory of their tusks constitutes the wealth of the **Equatorial Province**. All other kinds of large beasts known to man inhabit these obscure retreats. The fierce rhinoceros crashes through the undergrowth. Among the reeds of melancholy swamps huge hippopotami, crocodiles, and buffaloes prosper and increase. Antelope of every known and many unclassified species; serpents of peculiar venom; countless millions of birds, butterflies, and beetles are among the offspring of prolific Nature." **12**
Land in Africa is known as mother nature. It shapes, strangely enough, the customs, mores and the character of its inhabitants. It shapes a people's culture. If you do not live and grow up with a people in their land, you would not be able to understand their language and culture. That is why foreigners are like a fish out of water in a strange land. Let us now look at the people of Sudan.

(b) The People: There are many publications, I believe, which do not give a romantic description of the people of Sudan. However, I like Churchill's description of the people of Sudan because he was not intellectually diplomatic and therefore wrote exactly what he saw and how he felt. Secondly, he represented or came from a country that was a major colonial power not only in the world at that time, but had also colonised the Sudan. He also described how Egypt also came to colonise the Sudan, during which time both the Arabs and Africans in Sudan suffered a great deal. We have reached the stage where we must know the truth about how other races perceived the people of Sudan. This is not only a sign of maturity, but we cannot put right the wrongs in society if we continue to bury our heads in the sand, like an Ostrich. **Affirmative action cannot be introduced in a vacuum.**

Churchill, in his bold, picturesque and colourful manner, described the people of Sudan as a whole in the following terms:

"The human inhabitants of the Soudan would not, but for their vices and misfortunes, be disproportioned in numbers to the **fauna** or less happy. **War, slavery and oppression** have, however, afflicted them until the total population of the whole country does not exceed at the most liberal estimate three million souls. The Soudanese are of many tribes, but two main races can be clearly distinguished: the **aboriginal natives**, and the **Arab settlers**. The indigenous inhabitants of the country were negroes as black as coal. They displayed the virtues of barbarism. They were brave and honest. The smallness of their intelligence excused the degradation of their habits. Yet their eulogy
must be short, for though their customs, language, and appearance
vary, the history of all is a confused legend of strife and misery, and
their condition is one of equal squalor and want.... Although the
negroes are the more numerous, the Arabs exceed in power. During
the second century of the Mohammedan era, when the inhabitants of
Arabia went forth to conquer the world, one adventurous army struck
south. The first pioneers were followed at intervals by continual
immigrations of Arabs not only from Arabia but also across the deserts
from Egypt and Morocco. The element thus introduced has spread
and is spreading throughout the Soudan, as water soaks into a dry
sponge. The aboriginals absorbed the invaders they could not repel.
The stronger race imposed its customs and language on the negroes.
The vigour of their blood sensibly altered the facial appearance of the
Soudanese. For more than a thousand years the influence of
Mohammedanism, which appears to possess a strange fascination for
negroid races, has been permeating the Soudan, and the whole of the
black race is gradually adopting the new religion and developing Arab
characteristics. In the districts of the north, the evolution is complete,
and the Arabs of the Soudan are a race formed by the interbreeding of
negro and Arab, and yet distinct from both. In the more remote and
inaccessible regions which lie to the south and west the negro race
remains as yet unchanged by the Arab influence. And between these
extremes every degree of mixture is to be found. In some tribes pure
Arabic is spoken, and prior to the rise of the Mahdi the orthodox
Moslem faith was practised. In others Arabic has merely modified the
ancient dialects, and the Mohammedan religion has been adapted to
the older superstitions... The stronger race soon began to prey upon
the simple aboriginals; some of the Arab tribes were camel-breeder;
some were goat-herds; some were Baggaras or cow-herds. But all,
without exception, were hunters of men. To the great slave-market of
Jedda a continual stream of negro captives has flowed for hundreds
of years. The invention of gunpowder and the adoption by the Arabs of firearms facilitated the traffic by placing the ignorant negroes at a further disadvantage. Thus the situation in the Soudan for several centuries may be summed up as follows. The dominant race of Arab invaders was increasingly spreading its blood, religion, customs, and language among the black aboriginal population, and at the same time it harried and enslaved them."13

While all these things were going on inside the Sudan, the outside world never cared. After all, the country was separated from the rest of the world by the deserts. The impulse of conquest which hurried the French and English to Canada and the Indies, which sent the Dutch to the Cape and the Spaniards to Peru spread to Africa and led the Egyptians to the Sudan. In 1819, the whole vast country of Sudan was conquered by Egypt with very little fighting. And so from 1819 - 1883 Egypt ruled the Sudan. But the British, though the Sudan Agreement of 7th March 1899, established their rule jointly with Egypt over the country.
NOTES:

(1) According to the Oxford Dictionary of current English, democracy is defined as a "government by all the people, direct or representative; state having this; form of society ignoring hereditary class distinctions and tolerating minority views" See p. 193 of the 1984 edition.


(4) Maphai, V.T., op.cit.

(5) See a report in the Daily Nation of Thursday, 19 June 2003, on "Bashir seeks and end to Civil War," p. 15

(6) See Okumu, W. A.J., op.cit. p. 3

(7) The most common feature on the discussion of Affirmative Action is that it tends to focus primarily on politics, economics and race, but very little on gender issues and yet the marginalization of women in society is one of its major historical manifestations. In fact, with regard to the civil service and the economy women are hardly mentioned at all. In South Africa, it proved very difficult to find any statistics on women in the civil service and other sectors of the economy. I am sure, this is true of the Sudan as well. In South Africa, over 95% counter clerks in the civil service were women and few, if any, had any authority over their male counterparts.


Summary of Discussion on Culture of Peace and Affirmative Action Papers

1. In order for peace to become sustainable in the Sudan, the country would need to support the ‘Culture of Peace’ and ‘Affirmative Action’ programmes not only for Southern Sudan, but also in other marginalised and disadvantaged areas. Building a culture of peace and affirmative action requires resources which should not only come from internal (business community and future interim administration) but also from external sources.

2. Prior to embarking on fostering a culture of peace throughout the Sudan and building affirmative action programme for the country, GoS, SPLM/A and other constituencies should identify the intended beneficiaries of, as well as the instruments through which these two programmes would be implemented. The intended beneficiaries and policies should be determined on the basis of surveys and censuses which need to be undertaken as soon as possible.

3. In executing affirmative action programmes the interim administration should not only focus on the structure of its institutions but also on the content of its policies and programmes. If properly executed, affirmative action will make unity attractive, strengthen confidence amongst constituencies and build dialogue between regions thereby creating a conducive environment for good-governance and peace throughout the country.

4. Affirmative action should be supplemented through other mechanisms and actions, as well as legislation, which would bring constitutional safeguards to protect the rights of Sudanese citizens and facilitate their full participation in every area of life throughout the country.

5. Affirmative action should not only focus on addressing regional disparity and socio-political inequalities but must also address gender discrimination which continues to contribute to the ongoing civil war. Another form of discrimination should also be dealt with in affirmative action, and which is not mentioned frequently, is age discrimination.

6. Affirmative action is directly related to the issue of governance which has arisen from the past mistakes committed by successive governments that have put their interests before the needs of their citizens and the country as a whole. The issue of governance, affirmative action and culture of peace could begin with admission of past mistakes.

7. Prior to implementing an affirmative action programme for the country, each constituency could learn from the lessons of the 1972 Addis Ababa peace agreement which provides a wealth of experience on how the leaders sought to build consensus, peace and reconciliation throughout the country. One of the chief lessons of the 1972 Addis Ababa peace agreement is that a broad-based government is a pre-requisite not only for the implementation of affirmative
action and culture of peace programmes but also for building consensus and addressing the concerns of every citizen.

8. GoS and SPLM/A have already agreed on many important structures which would need to be set up during the pre-interim and interim periods, in IGAD including: the Constitutional Review Commission, Electoral Commission, Council of States, Financial Allocation Monitoring Commission and others. These will undoubtedly play important roles in fostering affirmative action and building a culture of peace but these programmes ought to be supplemented by an enabling political environment which fosters inclusion, participation and fairness.
Paper 7

Ways and Means to Co-ordinate Activities of International Agencies in Southern Sudan Following the Signing of a Peace Agreement

by

Suzanne Jambo

Abbreviations

AAH Acion Afrika Hilfe
ADRA Adventist Development and Relief Association
CEAS Church Ecumenical Action in Sudan
CRS Catholic Relief Services
GOS Government of Sudan
IGAD Inter-Governmental Authority on Development
LWF Lutheran World Foundation
NSWF New Sudan Women Federation
OLS Operation Lifeline Sudan
OXFAM-GB Oxfam Great Britain
SCF-UK Save the Children Fund-UK
SINGOS Sudanese Indigenous NGOS
SPLM/A Sudan Peoples Liberation Movement/Army
WFP World Food Programme
1. SOUTH SUDAN SITUATION ANALYSIS

   a. The IGAD Peace Processes: Brief Overview

Despite the landmark 'Machakos Protocol' signed between the GOS (Sudan Government) and the SPLM in July 2002, the conflict in Sudan appears to be far from reaching an imminent peaceful and just resolution. Civil society activists are most concerned with both parties excluding civil society from the deliberations and discussions of the on-going talks. Furthermore, both parties seem to be uncompromising on issues such as power and wealth sharing more than bringing in a substantive peace agreement. Grassroots people seem to be totally locked out of the peace process. Inter-factional fighting continues to go on killing more innocent people despite the 2002 Cessation of Hostilities agreement between the GOS and the SPLM. As such, an interim period (a provision within the Machakos Protocol) to realize some of the dreams of the marginalized people of Sudan remains a far-fetched dream. To-date no significant grassroots mobilization has taken place to create awareness and sense of ownership of the peace process neither are there any significant efforts for South-South dialogue. To civil society, both efforts are so central to any peace agreement and its sustainability. However, both parties seem to downplay that.

The continuation of the oil exploration in the Sudan has further complicated the ending of this war. Indeed, an extremely alarming situation that is increasingly giving a new dimension in the war-torn areas has been the disturbing oil exploitation in Upper Nile. As though the 20-year civil conflict and its consequences were not enough problems for the people of South Sudan. Over the last four years, the Government of Sudan (GOS) has accelerated its war against the southerners using oil money in order to purchase more weaponry. An increasing escalation of aerial bombardment, forced depopulation of indigenous people from around the oil fields in order to clear the way for oil exploitation by the GOS' troops and its sponsored-militia groups have and continue to contribute gravely to the worsening of humanitarian crisis in the area. In addition, attacks and counterattacks by different warring parties
and factions have further worsened this situation. The humanitarian situation in Upper Nile, Nuba Mountains, Bahr al Ghazal and Eastern Equatoria are beyond anyone's comprehension. Tens of thousands of IDPs have been forced to flee from the oil fields into 'safer' areas.

b. A Brief Socio-politico, humanitarian analysis: The 'Invisible' issues

The 20-year war in Southern Sudan has deprived generations an opportunity to learn and acquire basic skills and knowledge through formal education. This has given rise to a serious gap in skills and knowledge required to manage effectively and efficiently utilize resources entrusted to local organizations and institutions.

The protracted war in the Sudan has destabilized and degraded lives of millions of Sudanese people. Many have died, been displaced or have become destitute. More than two million people are estimated to have died of causes directly or indirectly linked to the war. Over four million Sudanese are internally displaced and are refugees outside the Country. The war has resulted in the collapse of the economic base and social basic services (education, water, and health etc). Agricultural activities have been disrupted causing food insecurity. The war has severely interrupted life in the country bringing to a halt to essential services such as education, health and agriculture. People have been forced to abandon their homes, farms and livestock to escape the fighting. This has escalated vulnerability to poverty of the people.

The social construct and bond of the society has been deconstructed by the war as people fled abroad for resettlement or as refugees. Family members have lost their loved ones as the war destroys the social fabric.

People in Sudan have been deeply divided along racial and religious lines, resulting into inequitable wealth, resources and development sharing and unfair power sharing

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1 The Scorched Earth Policy, a document published by Christian Aid.
among other forms of discrimination and policies of deliberate marginalisation and neglect.

Peace efforts have been negotiated and facilitated by various bodies including IGAD. South Sudan is in the threshold of a peaceful settlement to the conflict. There are hopes that a lasting peace settlement will be reached. However, the search for peace will undoubtedly be a process, which will take long.

Due to the crisis caused by the war, most of the development agencies have rerouted their energies to relief and emergency operations. This has tended to negate long-term developmental objectives, especially in relation to the plight of women. This is in spite of the fact that women form the majority of the population and are severely affected by war related problems, which include: early and forced marriages, rape, lack of participation in decision making and the burden of taking care of children and family, victims of the war. It is an acknowledged fact the destruction of social, economic and political structures and institutions caused by more than 20 year old protracted civil war in Sudan. It is on this basis that there is a need to facilitate implementation of a peace-building program. The sort of program that helps in building capacity of local organizations and actors that will enable them initiate and implement peace-building interventions. As a peace settlement to the conflict becomes imminent, there is need to reunify the people, who have suffered for two decades. A South Sudan will be reborn but against the backdrop of abject poverty, ethnic animosity, collapsed education, health and transport infrastructure. A peace-building program aim should be at making a contribution in reconciliation, reconstruction and development of South Sudan. An international forum on peace building for the South Sudan will also ultimately have to be held to amalgamate the peace agenda into a declaration/plan of action.

Furthermore, civil society proposes to expand the scope of its role as a watchdog to include broad thematic areas of lobbying and advocacy. A lobbying and advocacy
program that encourages rule of law, respect of human rights, inclusion of women in development processes and depolarizing ethnic groups in the South Sudan.

As the South Sudan braces itself to an end to the war, there is need for local and international organizations to reconstruct and develop the country through a peace building process. Economic, social and political structures and institutions that had collapsed during the war should be developed once again. Enhancing self worth and dignity must restore people’s hopes. The displaced ought to be reunited with their families.

Out of this analysis and realization there is an urgent need to facilitate a national reconciliation, reconstruction and development process of South Sudan. A peace-building program will be implemented to build the capacity of local organizations to initiate and implement peace-building projects. The main focus of the program is to make development organizations both locally and internationally to reroute their attention to peace building processes.

2. RELIEF AID: A NEW DIMENSION TO THE CONFLICT:

   a. The Formation of OLS

Following the build-up of domestic and international pressure for humanitarian assistance to Southern Sudan, Operation Lifeline Sudan (OLS) was formed in 1989 by the United Nations. In many ways OLS was a unique development in international humanitarian relief operations: it has been able to achieve some form of regular agreement to provide relief to all sides in the conflict. However, public concern among the international community has tended to focus not on the politics of the war but on means of providing relief. The main UN agencies involved have tended to respond to relief needs in Southern Sudan in terms of a natural disaster, never fully appreciating the role of the war in producing the relief crisis. This not only undermined the wills of the people, but also crippled the population by creating a real disaster of a relief dependence syndrome (RDS). Almost complete lack of genuine
efforts to build the capacity of the people so torn by continuous wars, in many ways has frustrated efforts to realize a self-reliant South Sudanese people; the civil society has been hardest hit by this relief business in Southern Sudan.

The situation in the marginalized areas of Sudan is rather of extreme complex nature. Prior to the on-going 20 years war waged by the SPLM/A, the marginalized areas lacked any form of development. The Closed District Order put on the periphery areas made it almost completely isolated from the entire country’s development and the rest of the world at large. Handful of missionary schools were established in the South. The South lacked almost any significant central government’s support from Khartoum. Jungles, mountains, flat areas, rivers etc. are the characteristics of the South. No tarmac roads, proper hospitals, schools and other social services could be seen or benefited from at all. This made the South lag behind the Nation. Furthermore, southerners were not allowed to participate effectively in policy and decision-making levels in any recorded government in the history of Sudan. The rich areas of the South were considered only as goods-producing land to benefit the North, but never the South. As such, the effects of almost a total lack of development, two civil wars, poor health services, if any, inadequate education and lack of basic shelter are a few of the challenges which face humanitarian organizations. In addition, socio-cultural taboos are other challenges being faced by these organizations. No doubt, this is a rather difficult equation, i.e. making a choice between humanitarian intervention or rehabilitation and development.

No doubt, OLS has saved many souls, has given many opportunities to receive basic social services such as health and education. However, for the benefit of this discussion paper, I will focus on the Sudanese perspective of humanitarian intervention efforts by UN/OLS, international and local Sudanese NGOs and the Sudanese humanitarian authorities versus their (South Sudanese) perception on what should have been done especially for women and girls to avoid some of the problems listed beneath.
b. The Beginning of the ‘Culture of Humanitarianism’ in South Sudan

By 1989 the famous Tripartite Agreement was signed between the United Nations, the SPLM/A and the Government of Sudan (GOS). This effectively marked the entry of the UN in war-torn areas controlled by the SPLM in Sudan. Consequently tens of international organizations (NGOs) began arriving in the South, offering different humanitarian assistance programmes to needy people. Operation Lifeline Sudan (OLS) was consequently formed lead by two United Nations organizations, UNICEF and the World Food Programme. These two giants coordinated the work of dozens of international NGOs and some indigenous NGOs. Massive operations have since been conducted via Lokichokio in northern Kenya into Southern Sudan. Humanitarian needs including food items and medicines, and international personnel were being transported to the South by OLS.

OLS intervention programmes could be considered by many as having saved many souls and brought hope, however, many would almost equally argue otherwise.

c. OLS: Shortcomings

OLS, since its inception in 1989 has concentrated heavily on relief efforts. True, the situation in South Sudan has often been hit by famine leading to continued emergency needs. However, a lot could have been done to avoid recurrent famine. It is over 10 years of extremely expensive operations into Southern Sudan, yet there has not been much change (improvement) in the situation. It is not fair to blame one party only. However, OLS, with two mighty UN bodies and dozens of international organizations with a budget of over $200 million per annum will unfortunately, take much of the blame. The situation in South Sudan is of complex emergency nature. For instance, farmers and vast fertile areas of Western Equatoria could produce plenty of surplus food locally that could have been transported to deficit areas, for instance in Bahr al Ghazal and Upper Nile. In the short-term, not only would this have secured food and

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2 Based on findings among Sudanese professionals working with OLS, ‘constituents’ perception, SPLM local authorities, Sudanese NGOS and the author's own work experience with OLS (both UNICEF and WFP 1992 - 1997).
created self-reliance, but it would have also activated the local economy. It would have further ensured food from within. Needless to add, in the long-term, development would have been gradually introduced to South Sudan. Instead, international organizations, followed suite by a significant number of local organizations, opted for purchasing and airlifting (extremely expensive: not choosing the option of transporting food overland to-date remains a real challenge and a mystery to a certain extent) food from neighbouring countries such as Kenya and Uganda. In a very clear example, I had traveled between the areas of Bahr al Ghazal and Equatoria during the famous 1998 Bahr al Ghazal Famine, and I witnessed that while in the said Region the famine which, had killed thousands of people surplus food was rotting in Western Equatoria. Lack of an organized and systematic early warning systems and mechanisms, lack of inter-regional and importation of food policies are prime factors resulting to the death of thousands souls then. To-date, it is unclear as to why OLS has not been able to ferry food by land within South Sudan. Why has not OLS provided sufficient training and proper agricultural tools for larger scale food produce in Western Equatoria remains a puzzle to many South Sudanese. Below are some observations I collected during a study between 1998-2001 within and among the constituents (beneficiaries) themselves.

i. Quality of services: Despite OLS existence for more than 10 years. Both critics and beneficiaries would agree that the quality of services have not been up to expectations. The reality on the ground manifests for itself.

ii. Relief dependency syndrome: The scope of the intervention of services to the South has been mainly on humanitarian with no clear gradual phasing over and shifting to development. As such, one would find a serious relief dependence syndrome. At least two generations are almost entirely dependent on relief hand out. The level of education, human resource development and community capacity building training has hardly risen. The current situation in Southern Sudan makes

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3 Overcoming Gender Conflict and Bias: The case of New Sudan women and girls, a research book authored by Suzanne Jambo for New Sudan Women Federation.
post war strategies towards rehabilitation and development extremely difficult to implement, which had been torn by two consecutive wars; lack of complete development and at least two generations that are dependent almost entirely on relief assistance.

iii. High administrative and overhead costs: It is a known fact that at least 80% of humanitarian assistance funds go towards administrative overhead costs. Local professional Sudanese have found themselves frustrated in the search for meaningful employment, instead international expatriates have been hired at hefty costs.

iv. Lack of participatory development: The few organizations that chose to implement development programme have a serious gap in participatory development issues. Inappropriate projects and programmes are dumped onto the population without any prior consultation. Most projects are thus not sustainable.

v.4 Lack of early warning system mechanisms & UN bureaucracy: Furthermore, and more importantly, given the fact that the OLS has been co-ordinated jointly by two UN giants; UNICEF and WFP has not made life any easier. Bureaucracy has been rampant. Often, and in particular during famine situations, relief aid would come far too late. An example of which the 1998 famine in Bahr Al Ghazal when thousands of people died during. The UN was informed in advance by the SRRC, however, there was a gross failure to heed that warning. The 1998 famine clearly showed that after 10 years of massive humanitarian programmes, the UN was not able to put in place adequate early warning systems within its intervention programmes.

vi.5 Lack of impact analysis: There is hardly any systemized and well-co-ordinated analysis systems that is made public (outside the UN/international circles) an impact monitoring system by which, to assess the massive intervention. Sometimes one is left to conclude that probably this is all guesswork.

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4 Also see OLS: Operation Lifeline: A Review, 1996.
vii. Silence on human rights violations: Gross human rights abuses have been and continue to be committed on civilians in South Sudan, mainly by the government of Sudan. The UN and other international organizations continue to watch by. Governed (rather impaired) by impartiality & neutrality, international organizations spear headed by the UN, the international community present in South Sudan has failed to highlight the plights of innocent civilians. Innocent civilians have been killed and injured on daily basis by mainly Sudan Government (GOS) indiscriminate aerial bombardment, humanitarian flights ban, land mines, helicopter gun ships, genocide, slavery, mass rape and abduction among other violent human rights abuses. Thus, the local population in South Sudan in many ways, continue to feel alone in their suffering.

   d. OLS, Non-OLS Organizations & The 'Women Question'
Based on findings of meetings with grassroots women, OLS and its international organizations appear to have a much better image. A significant number of women the Study spoke to praised the role played by OLS towards women in one way or another. Increasingly, women and girls are able to access education and training, albeit it is slow and with much resistance from the male-dominated community groups. Questions that arise here include; “is it true that women are able to benefit from OLS’ and non-OLS organizations’ intervention programmes? If so, how? And “have these programmes been able to address the marginalization of women i.e. have the programmes been able to alleviate the status of women or degraded it?”

It is not as straightforward to answer these questions. Generally, there is no relationship between donors/humanitarian organizations and constituents/beneficiaries. Nor are constituents aware on how intervention programmes work out for their benefit, i.e. they are not involved in the process of initiating programmes – constituents only see the outcome, if at all. In October 2001,

6 Findings from a research study conducted titled: Overcoming Gender Conflict and Bias: the case of New Sudan women and girls by Suzanne Jambo.
Kor Mou Kor (male), 60, from Aweil East said this about Tear-Fund (an OLS NGO) “They came to save children’s lives, they brought seeds, ox-plough machines and agricultural tools – they are doing great work. However, AMURT (non-OLS NGO) is in charge of providing education needs, but they are not efficient. Whilst WFP (UN-OLS) is doing some good work in bringing food: but people in far away payams (villages) are finding it hard to walk for very long distances to reach WFP distribution centres.” Concluded Mr. Kor. When it comes to women, the relationship is even blurrier. One Tono Deng (male), 25, said this “most humanitarian agencies have no clear definition about who are Sudanese women, but also they are confused because nobody is raising this issue from the local authorities, as the latter is male-dominated.” But a female, Haram Chan, 36, thinks otherwise “humanitarian organizations have helped women by feeding their children and other relatives whose livelihoods would have been a real disaster.”

Feeding children and others, i.e. relief work, seem to be the most notable work done by humanitarian organizations (both OLS & non-OLS). But, “how about long-term development work and women? What approach have these organizations adopted to overcome negative cultural taboos in involving women and girls in this process? And how much consultations do these organizations have with the women?” Rachel Nyaluak Leu from Bor had this to say: “Care-International, CEAS, MSF-H etc. who are present here (Bor north) are not doing enough for the women. We need programmes that can help the women: children are without milk for example – Bor is an area that is frequently hit by floods and related diseases. How is a woman expected to access education if she is not able to feed her child? In addition, there are no income-generating activities for women’s economic empowerment. No one comes to us (women) to consult us on what we need”, she concluded. Not all organizations are the same, some have been able to benefit women greatly, for example contrast to this is the situation in Yambio, World Vision International was able to set-up small scale businesses particularly targeting women. They are also conducting training of women as teachers, holding awareness workshops involving women etc. However, Noame Badagbo, 60 from Yambio said that “some husbands
did not accept their wives to attend the teacher training course by ADDRA at first, some wives were badly beaten and threatened with divorce, fortunately this is changing now.” AAH is another organization that was able to benefit women greatly in Maridi by training and employing women as nurses. Other organizations such as LWF (non-OLS) has also been training midwives in Rumbek. NSWF has been instrumental in preparing women cadres by giving Para-legal training, leadership and as TOTs in Adult education. Some of these trainees were able to move on with their careers and got employed by other organizations. CRS, OXFAM-GB & Radda Barnen are some of the organizations that have been instrumental in providing women with basic training in Rumbek. The Catholic Church (Diocese of Rumbek) is another influential body, which helped in enrolling girls at its schools. Diocese of Torit is another church body that is helping girl-child education in Eastern Equatoria by providing primary education as well as boarding facilities for girls.

In all fairness, a significant number of these humanitarian organizations are doing great work to alleviate the standard of living in South Sudan. SCF-UK has been introducing activities such as bush shops, providing agricultural tools in Bor among other programmes. CEAS has also been doing similarly in terms of providing agricultural tools.

An interesting feature in these intervention programmes that mostly is been targeting community groups randomly. Humanitarian organizations have not able to cross the bridge of cultural taboos – they are not able to forge some kind of direct alliance with the women and neither are they able to overcome cultural barriers to reach the women directly. So how have these organizations been able to help women i.e. are they able to address women’s status in the community?

WFP says that it is committed to women, it tries to be participatory in its approach in as much as possible. It is aware that women have to sit for very long hours waiting for relief food, walking long distances to reach distribution centres. They are also aware that by dealing with women directly, women face much resistance and conflict
within their local community particularly with their spouses. As much as WFP would like to help the community groups, there is a limitation as to how much they can assist.

Really, the most challenging factor here is that a large number of these organizations would like to help the women. However, the challenge remains; "How can women status be alleviated without causing conflict and breaking their community groups and without isolating women from the rest".

e. **SRRC: How has it failed Local NGOs and Women**

It is rather difficult to discuss the erroneous oversight by SRRC towards women without touching basis on its role towards alleviating the general living conditions in the south. The SRRC was formed in order to work directly with humanitarian organizations, to co-ordinate and facilitate all relief and rehabilitation activities. Observations made by a number of indigenous organizations reveal that the SRRC has in the past, unfortunately, concentrated too much on co-ordinating OLS operations (international) organizations compared with the work it offered towards local NGOS and similar bodies. Needless to add, in particular, women’s organizations formed the bottom in this marginalization. It was sufficient that these local NGOs submit their papers for registration in order to operate in South Sudan, once approved by the SRRC, here almost ended the coordination services by the SRRC towards these organizations. Undoubtedly, these local NGOs have always had very limited resources and hence their work might or might not be as ‘important’, according to these organizations’ observations. However, this could be changing now. A group of indigenous organizations launched a network, NESI in mid-1999. Whilst providing long-term humanitarian assistance to the population of South Sudan, NESI is a forum which tries to address the role of local organizations towards the realization of a strong and independent civil society. It further looks into ways to develop an

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7 Former SRRA
8 NESI has a current membership of 33 indigenous NGOS
understanding relationship between indigenous NGOs and local authorities including the SRRC.

On the issue of women, the SRRC, due to a number of reasons; e.g. cultural taboos as well the poor capacity of SRRC personnel, especially on the ground, women gained very little from the different training opportunities the SRRC received over the past few years. The percentage of women at SRRC decision-making level is almost non-existent. There is only 10 one female SRRC county secretary out of more than 30 counties found in Southern Sudan under the SPLM administration. The other females found at SRRC are Family Affairs co-ordinators. In each county there is such a post held by a woman. Unfortunately, this post, despite being an executive one, it is really marginalized. These co-ordinators are not invited to attend most SRRC important meetings and training workshops. Their role is unclear. According to Martha Yum, SRRC Family Affairs Co-ordinator in Upper Nile area that her role is to organize women whenever there is an important visitor(s) (male) to the county, i.e. in terms of organizing cooking and other similar preparations required for such visits. She commented that it is as though her private role at home (‘a place in the kitchen’) has been officiated through the SRRC! Understandably, the SRRC has a long way to go before it can be considered as playing its role in co-ordination of relief and rehabilitation effectively. Capacity building, gender rights awareness among other extremely crucial matters have to feature primarily in all SRRC’s current and future plans.

f. Indigenous NGOs & Civil Society: their shortcomings towards Women

The emergence of local NGOs in South Sudan since 1993 was a major breakthrough for the local population. Not only it is representative of the people, but its emergence as well provided for a gradual independent forum to avail long-term humanitarian and development assistance and help create a civil society in South Sudan. The amount of

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9 New Sudanese Indigenous NGOS Network
10 Jasmin Samuel of Mundri County
commendable work done by these organizations is tremendous despite their very limited human and material resources. For a logical consequence of the above discussion, I will for now, firstly mainly focus on these organizations’ failure to work for the women as an integral community group member.

Most of Sudanese NGOs are male-dominated. Decision-making levels at these organizations find it extremely hard to address the ‘Women Problem’ in a special focus. Their concept of development is based on a general approach of targeting all community groups regardless of their sex. This is despite their knowledge that women are not considered and treated as a 'complete' community group. Increasingly, local NGOs are ‘attempting’ to introduce gender equality programmes into their activities. This task is the responsibility of these desks; they are given names such as “Women Desk Coordinator”, “Family Affairs Coordinator” and “Gender Desk Officer” etc. Normally, this desk is a one-person (woman) show. It does not have any field support staff neither does it have any other integrated programmes with the rest of the organizations’ departments. It works almost in isolation from the rest of the organizations(s). In most cases, these gender desks officers etc. find themselves with the most limited resources of their organizations and hence end up implementing extremely basic projects such as tailoring training or basic adult education for women. There are many more examples that can be cited here. The bottom line of the matter is that local organizations, except for female-headed ones, do not have the capacity to intervene in truly achieving participatory development and ensuring that all community groups members are actually benefiting from their intervention.

There needs to be gender equality training for all heads of organizations and other decision-makers members including departmental heads/coordinators. A special focus should be given to female employees to receive continuous training opportunities to equip them to the challenges. Gender and similar desks’ programmes should focus on integrating gender equality programmes in all other activities undertaken by local organizations.
On the other hand, there has been a gradual build up and mushrooming of Sudanese Indigenous NGOS (SINGOS). Although non-political and with very limited resources, these SINGOs have been doing a commendable job in building the capacity of the marginalised groups of South Sudan. Run mainly by Sudanese personnel these NGOs thrive to work under extremely poor/absent infrastructure. Some are mandated to carryout educational, rural/community development/appraisal, agricultural, income-generating and micro economic schemes etc.

Notwithstanding the above community-based SINGOs commendable efforts, Sudanese women felt the immediate need to have a special focus of mobilizing women in particular and to educate grassroots on their civic education matters. Currently there are at least 11 seven such NGOs which are working alongside rural communities on peace-building training, women’s rights as human rights (and their right to participate in all spheres of life) and economic and political empowerment. These women’s NGOs envisage that once a just peace is achieved the masses will have to contribute to nation-building efforts. They vow not to be left trailing behind their men, instead side by side. This is particularly drawn from other African countries who fought guerrilla wars and once peace was achieved their policies (governments) remained discriminative or were slow to adopt gender equality measures against women, thus poverty could not be eradicated neither could democracy be sustained.

In August 1998 Sudanese women representatives from grassroots, internally displaced & refugees and the Diaspora held an historic and first of its kind in South Sudan’s history a Women’s Conference. The outcome of which was a policy document (by the women) outlining their demands for their greater and more effective participation in policy and decision-making processes of the SPLM/A. The women clearly

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11 Sudanese Women in Development and Peace (SWIDAP), New Sudan Women Federation (NSWF), Upper Nile Women Welfare Association (UNWWA), Sudanese Women Voice for Peace (SWVP), Widows, Orphans and Disabled Rehabilitation Association of New Sudan (WODRANS), Sudanese Women Empowerment for Peace (SUWEP), Pan African Christian Women Alliance (PACWA) and Sudanese Women Association in Nairobi (SWAN)
outcried any motives/frustrations to sideline them from effectively participating in the nation building (including Peace efforts) of South Sudan. They further added their voices to the on-going efforts to the rehabilitation and strengthening of the civil society.

g. SPLM/A: Local Administration Structures: Weaknesses: A Brief Overview
The SPLM/A during two historical meetings, namely, the First National Convention in 1994 and the Civil Society Conference of 1996 made some major breakthrough in terms of a gradual phase over from military rule to a civilian one. The subsequent formation of the National Liberation Council (NLC), which, has the representation of community groups leaders nominated to the NLC where deliberations on national policies, laws and other similar issues have been taking place. The NLC has been the legislature of 'New' Sudan (areas administered by the SPLM/A including Bahr al El Ghazal, Equatoria, Upper Nile, Nuba Mountains and South Blue Nile). The National Executive Committee (NEC) has been the Executive, forming the different 'ministerial' posts e.g. education, health, foreign affairs etc. Now, most of these 'ministries' are still formulating their policies in their respective fields.

Follow-up decisions of the National Convention included the formation and establishment of local civil administration. Currently there are more than 33 counties in the 'New' Sudan which, have own local administration that manage the day-to-day country's affairs. Generally, appointments of such administrators are done through recommendations from the local community groups/administration to the Chairman of the SPLM/A, who in turns appoints the civil administrators.

There are a few issues that arise within the local administration of South/New Sudan. For a start, issues of transition from military to civil rule, competence of civil administrators vis-à-vis, scarcity of cadres, extreme poverty (the SPLM/A, being a de-facto government does not pay remuneration and the administrators on the other hand work on voluntary basis as part of their contribution to the liberation struggle) and
hardly any infrastructure among other challenges and frustrations. There are other factors such as a weak law enforcement system, a very patchy judiciary system, which, as well share similar challenges such as lack of qualified legal cadres and so forth. Critics of the SPLM/A often argue that a paramount issue has been the lack of a political will to move away from militarism to civilian rule - for the sake of this discussion paper, I prefer not to discuss this here as it is very difficult in the circumstances of South Sudan to actually to either nullify and/or confirm or ascertain this argument. However, indeed, it’s a fact that the transition from military to civilian rule has not been quite effective, significant and/or fully realized.

With regards to women and civil society groups, very little support has been given by the civil administration. Both women's NGOs and others have continued to struggle on their own to achieve some of their objectives. It is worth noting here that appointments of women to civil administration has been extremely low, indeed, women continue to feel a deep sense of discrimination against them both at local (community) and national (SPLM authority). Many would argue that education level among women is extremely low, thus, it is very difficult to nominate them to such positions. However, in terms of community awareness raising on girl-child education and women's empowerment, the SPLM with all its different structures has done very little to raise the consciousness of people to support women's advancement. This is despite the fact that during both the National Convention and the Civil Society conferences, there was admission of women's marginalization as a real issue and strong calls were made for gender equality.

Generally, these structures emergence gave hope to many and have in many ways as well restored faith in the SPLM/A as an authority in South Sudan. Indeed, the structures helped in the running of the administration over the last 10 years or so. However, there are many issues such as efficiency, competence, inclusiveness, fair ethnic/regional representation and general issues relating to checks and balances around exercise of power. However, one has to also admit Sudan's war realities; an inherited South that never quite enjoyed any form of development per se, conflict of
interests, extreme poverty, national security matters, extreme vastness of the South, voluntarism etc. - it is against this backdrop that the civil administration is expected to function. Indeed, it is a major challenge.

3. CONCLUSIONS

As one reads through the above analysis, there are many issues to be fully understood and acknowledged as an important initial step in the process of coordinating the work of all including international agencies. I started by saying that one of the major mistakes that we all fell under more than 12 years ago is that humanitarian intervention was started so hugely in South Sudan by focusing on providing relief aid without any focus on the politics of the war itself. By doing so, humanitarian intervention created a serious relief dependency syndrome and lost focus on the fact that there could ever be peace one day. And peace, is indeed a process. Furthermore, as seen above, a major weakness has been the lack of a systematic and consultative understanding, articulation and mapping of post-conflict strategies. As a result, developmental matters such as human resource development remains one of the trickiest vacuums urgently needed to be looked into.

Issues that would most probably be affected by the time of signing a peace agreement and during the interim period include, interalia;

- the gradual but steady 'Hanover' of development programmes to local organizations (the situation now is that humanitarian intervention is handled mainly by international agencies): issues around the capacity of local organizations.
- gaps in the administration of the South: issues of cadres within and capacity of the Southern interim government (its composition), pooling of human resources from civil society (Note: formed of mainly local NGOs) to the government: vacuum(s) in the civil society.
- If so, who will continue to fill in the gaps of provision of development services, which, is besides, the interim government would most probably be done by local NGOs. Will there be an adequate number of local organizations then?

- The 'Women Question': issues around reversed roles during war times, illiteracy rates higher among women, negative customs etc.

- Unity of the South: sustainability of the peace agreement itself within the South, fears of Southerners that many may be 'bought of' (by the GOS), Diaspora people etc.

- Returnees: resettlement of IDPs and refugees: Local conflicts may arise, their humanitarian needs.

- Sudanese professionals around the Globe: Their professions, who are they, where are they? Possibility of conflicts arising between 'those who never left home' and those who 'lived luxuriously' abroad and 'who deserves this and that position'.

- As well, the magnitude of the operations, activities during the interim period in terms of the above and more is understood by many as one that will be huge as the demands will be overwhelming.

- Who will conduct civic education and political empowerment of the people for the referendum? And is there such a programme?

- Who can coordinate this? Who has been in touch with the people (grassroots/community groups and local NGOs), who has been able to have a good map of who is doing what and where in South Sudan and more importantly, who has been able to share this kind of information with the masses, consulted with them and has been able to set up a system of 'for the people, by the people and with the people''?

As seen from the above, coordinating humanitarian, development, peace sustainability and political empowerment of the people during the interim period is nowhere near easy and it is neither a straightforward one. Coordination (of?) during the interim period will thus need to encompass the above issues and make extensive analysis as well as ensure that there is a clear understanding that is should not fall under the same trap of coordination of humanitarian activities during the last 12 years or so.
One central aspect of coordination which, was felt as greatly missing in the OLS era has been the lack of a central point that should have had a very effective communications and information sharing systems. A central system that could have had a map of South Sudan in terms of who is doing what and where and how to build linkages. Often, NGOs would be present in one county and not knowing of one another nor knowing what the other was doing. This resulted to many missed opportunities and a very patchy system of humanitarian intervention. Needless to add, the most who suffered as a result of this vacuum, have been the people themselves as well local NGOs.

4. RECOMMENDATIONS:

Broadly

Thus, one of my strongest recommendations is that to understand the above set of scenarios, it is important to carry out some baseline survey on the type of coordination carried out before, it is important to build on lessons learnt and not to fall under the same trap during the interim period. This is particularly important that the situation would drastically change in many ways from during war to post-war.

It is also important to seek consensus among South Sudanese on what formulate the basis of dialogue, sustainability of peace and beyond.

Furthermore, there is a great need to survey on South Sudanese cadres and professionals. This is particularly relevant to both the administration of the South as well local NGOs and institutions.

Lastly, but not least, whosoever and whatever modalities the coordinating entity will be and choosing to develop its framework, it is absolutely crucial that it consults with the people and ensures that communications and information sharing is set up absolutely professionally and with the incorporation of indigenous knowledge.
Specifically

Internally within South Sudan

- A good through and comprehensive overview understanding of South Sudan, importantly this overview needs to done together with the South Sudanese themselves.
- Mutually agreed upon modalities of phase over from international agencies doing it all to handing over to local organizations and institutions
- External support challenges: External Donors relationship: Building trust relationship, Building equal relationship and setting of standards and mechanisms for accountability and transparency
- Training and human resource development: Integral within post-conflict strategies. Note that Local organizations need to enhance their skills in community based facilitation, should be exposed to participatory methods and approaches of monitoring and evaluation. There is need to train the various organizational staff and board members in gender as a concept including the tools that can be used for problem identification, analysis, planning and evaluation.
- Strengthening of capacity and institutional structures: Local NGOs should develop organizational policies, procedures and guidelines (financial, administrative, human resource, leadership and governance) to facilitate their effective growth. The organizations should integrate staff capacity building components in development plans so that implementing staff acquires necessary skills. The areas to be taken into consideration include community development, project management, monitoring and evaluation, team building and accounting practice.
- Community Mobilization and sensitization: Need for innovative and local base ways to mobilize them
- Salaries: People have been working on voluntary basis for more than 20 years but not during the interim period.
- Respect for human rights.
- Security guarantees to safeguard the peace agreement: Interference from the GOS to undermine the wishes of the people of the South.
- International and regional peace agreement monitors.
- Civic education and people's empowerment
- Justice, Fairness and Equality issues
- Freedom of Movement
- Freedom of Expression
- Law Reforms processes
- Rehabilitation of the Judiciary
- Para-legal training (emphasis on women)
- Independence of the Judiciary
- Establishment, training and strengthening of law enforcement agencies
- Provision of Basic necessities such as food, shelter, health and education
- Peace building and peace sustainability modalities and mechanisms
- Development of policies and inclusion of voices
- The Media
- Communications systems
- Information sharing

Regionally: Civil Society Coalition/Networking

It is often seen that African governments do change their political stands to suit their own political interests/agenda. Often, governments use tactics of destabilizing a neighbouring country in its military tactics to crash internal opposition/rebellion. The infringed country would then retaliate by supporting the other country’s rebel group and so forth. Sudan is a classic example of such military tactics. Ethiopia, Eritrea and Uganda have largely been part of the struggle of the Sudanese people for their freedom.

However, to avoid such short-lived solidarity, populations of the Region need to know exactly what is going on in their/neighbouring countries and to participate effectively in their countries politics, it is therefore recommended that:
The emerging civil society of South Sudan needs to build strong collaboration and networking contacts with its neighbouring civil society groups. Experiences and mutual interests need to be shared and explored into. Common goals need to be identified, politically, economically, socially, culturally etc. People’s political and civil liberties rights need to be forged regionally.

Civic & political education at all levels is a vital tool to sustainable democracy. It is particularly important for Africa regions to collaborate their efforts on civic education matters. It has been seen that peace and democracy is not sustainable if a neighbouring country is not at peace. Regional collaboration is vital for regional peace & democracy sustainability.

In our present conflict situation instability, insecurity, catastrophes and disasters both natural and man-made are the ordeal of almost all the peoples of South Sudan. Women and girls form the majority of these people. Due to many factors beside physical vulnerability, they too tend to suffer most. As such specifically, it is recommended that:

- There is need for collective efforts through lobbying to help the external partners and other civil society groups globally understand the environment in which indigenous organizations and civil society in South Sudan operate.
- Forging of stronger partnerships with regional and international organizations.
- Deliberate efforts should be made by South Sudanese civil society organizations to be attending various development forums, not necessarily those related to Sudan. This is one way of establishing new partners and learning from others.
Summary of Discussion on Ways and Means to Co-ordinate Activities of International Agencies in Southern Sudan Following the Signing of a Peace Agreement

1. Past experience shows that local people will insist not only on controlling but also on co-ordinating domestic and foreign aid. Effective aid co-ordination can only be achieved when there is a political and economic empowerment that would not only safeguard freedom of expression and movement but also provide access to training to the lower and middle levels.

2. Development efforts should rely more on domestic as opposed to foreign expertise. International experience could be a useful tool for avoiding potential pitfalls but it must be a complement rather than a substitute for Sudanese expertise. Development efforts should also not neglect the role of the private sector in generating employment, alleviating poverty and contributing to the sustainable growth of the country.

3. Following the signing of the peace agreement, the country will face numerous challenges and there will be many pressures for funds. This could lead not only to the spreading of resources too thinly but also to their misuse. GoS and SPLM/A should seek to formulate programmes to address these challenges from now on so that once peace has been signed proper policies and structures could be put in place to counter the above mentioned potential challenges.

4. The international donor community (governments, INGOs and NGOs) should encourage the development of indigenous NGOs and build the capacity of existing ones so as to avoid the problems of relief and development dependency, reduce costs and increase local participation and ownership of the process. Furthermore, the international community should not only focus on ‘Big Programmes’ but also on small and medium initiatives and projects that are being undertaken by the indigenous NGOs and civil society organisations and networks.

5. There should be increased dialogue and discussion not only between the political constituencies but also between and within civil society networks on establishing structures and policies to co-ordinate activities of indigenous and domestic organisations during the pre-interim and interim agreements.

6. One of the central issues that would need to be resolved is the following question: Who should have the prerogative of making informed policy choices for aid co-ordination and setting priorities for international donors in the North, South and other parts of the country? Should it be the central or regional government?
7. The mechanisms which will co-ordinate activities of international and local agencies following the signing of a peace agreement should not only set priorities and issue directives of operation but also supervise the implementation of programmes and projects.
Introduction

Constitution making and constitutional reforms often happen everywhere in the world when profound changes have taken place in a society requiring fundamental changes in the core principles and values upon which the political order of that society or state was founded. Such fundamental changes can be generated either by internal or external development or may be a combined effect of both. For instance the collapse of the one party authoritarian rule in the former USSR and its satellite states was an external political development that had profound ramifications on the one party hegemonic systems in Africa and other developing nations as it helped in the building of the momentum and pressure for the adoption of political 'pluralism and multipartism.

Such major events, such as the end of colonialism in Africa, the collapse of military rule in most states and the demise of the one party authoritarian governments, have been followed by the making of new constitutions that are reflective of the aspirations of the people and the new values and demands that were the driving force for change at the particular time. In the past, the African political and military elite manipulated the process of making constitutions for their countries. But from the 1990s, the trend in Africa has been that of people spearheading the constitution making processes and reforms or the rewriting of existing constitutions.
The choices of procedures and mechanisms that have been followed have varied depending on each situation. These mechanisms have included the National Convention, National constitutional Conference, National Constitutional review Commissions, use of the constituent Assemblies, Constitutional Draft Commissions and referendums. The constitution making process has been a vehicle for building national consensus and an apt umbrella under which all burning issues in the country are discussed. Any constitution making process must therefore go deeper and tackle the politics, sociology, and the economics of constitution making.

The purpose of this paper is to look at the mechanisms and procedures that are adopted and the substantive issues that are addressed in the constitution making in general but also with reference to Sudan at the end. But first I will take a brief look at what constitutions are and the concept of constitutionalism in respect of constitution-making.

1. What are Constitutions and What is Constitutionalism?

Definition and concept

The word constitution is defined in many different ways in the literature of constitutional law, political science, and constitutional history. Distinctions are made between written and unwritten constitutions formal and material constitutions, rigid and flexible, federal and unitary, democratic or totalitarian etc.

However, in the legal sense, a constitution is defined as a body of binding norms, which regulate the structure of a state, and other questions, which are considered to be of vital importance for the state and the society concerned. “Constitutions are codes of norms which aspire to regulate the allocation of powers, functions and duties among the various agencies and officers of government and to define the relationships between these and the public” [1]. In its wider usage, the word constitution is used to describe the whole system of government of a country, the collection of rules that
establish and regulate or govern the government. Such rules often constraint the exercise of power by those it is vested in to ensure democracy, rule of law and constitutionalism.

Yet still, in its narrow sense, the constitution for most countries is understood to mean the fundamental law of the land that exercises normative control over the entire legal system and indicates the principles upon which law, policy and administration are based. Constitutions are therefore supreme over other laws. Most constitutions are written although some are not. In short, a constitution is the fundamental law for the organization of government in any given country.

2. Constitutionalism and Legitimacy

We have to distinguish between constitutionalism, constitutional government and constitutional democracy. Constitutionalism relates to the protection of the civil and political rights of the individual by representative democracy, division and separation of powers and the guarantee of economic, social and cultural rights. This of necessity entails the complete equality of all citizens before the law. Constitutional government on the other hand, is a system in which power is shared and reciprocal controls are legally established among different branches of government. There is always a system of checks and balances that is observed. As Wheare had pointed out “Constitutional government means something more than government according to the terms of the constitution. It means government according to rules as opposed to arbitrary government, it means government limited by the terms of and dictates of the constitution and not by the desires and capacities of those who exercise power”\(^2\). (K.C Wheare-Modern Constitutions 1966 P.137) But constitutional democracy, while incorporating all the above-mentioned elements, emphasizes in particular, an effective spread of political participation by the people.

The legitimacy of the constitution concerns how to make it command the loyalty and obedience of the people. This comes about when the people participate in the
constitution-making process and therefore become the owners of the constitution. In Africa both the modern state and the Western constitutional heritage are characterized by certain artificiality in the eyes of the African people. The major cause of collapse of constitutional government in many new states was the general lack of respect for the constitution among the populace and even among the politicians themselves.

It has therefore been pointed out that “for the constitution to command the loyalty, respect and confidence of the people it must be put under the process of popularization to generate popular interest and a positive attitude that it is the common property of all” 3. This underlines the importance of the way constitutions are adopted. The process of constitution making should of necessity involve the people so that its content and form is widely discussed. Equally the supremacy of the constitution over all other laws is based on the fact that it is the embodiment of the will of the people supremacy of the constitution.

3. Some Elements of Constitutionalism

i) Recognition of the supremacy of the people exercised through periodic elections in which the people choose their representatives and the government to run their affairs based on their consent.

ii) Authority is exercised according to law and in accordance with the constitution.

iii) Constitutionalism requires that the doctrine of separation of powers be observed as a fundamental tenet of democracy. This means that the powers of the government are divided between the three organs of government namely the legislature, executive and the judiciary.

iv) Constitutional monitoring by an independent judiciary. This is often carried out through a constitutional court and through periodic elections.
v) Constitutionalism entails civilian control of the military.

vi) Constitutional rule provides mechanisms for managing change including peaceful transfer of power.

4. Factors that May Affect Constitutionalism

Constitutionalism may be affected by the following factors:-

i) Exercise of emergency powers and the doctrine of exceptionalism and the removal or suspension of constraints on the use of executive powers.

ii) Failure to manage diversity or respect the right of minorities through
   - Marginalization of groups
   - Imposition of policies
   - Failure to manage political competition

iii) Lack of legitimacy and ownership of the constitution – non-involvement of citizens in constitution making process.

iv) Lack of implementation or enforcement of the provision of the constitution.

5. Types of Constitutions in Africa

Most constitutions of African countries have undergone radical revision and changes since independence in an attempt to remedy the problems they had inherited or to accommodate new realities. In the African experience, we can discern the following types of constitutions: 

1. Constitutions inherited from a colonial hand over of power: These were modeled along the same line with the constitution of the former colonial power. They were
based on liberal democratic principles such as the separation of powers, the rule of law and a catalogue of individual civil liberties. These constitutions were soon subjected to radical reviews by the post independence crop of African leaders to who were dissatisfied with them. In the case of Sudan, the independence constitution was a modified version of the pre-independence self-government Statute that became the independence constitution. This was the case for most African states that were granted independence after the Sudan.

2. Constitutions adapted during hand over from military rule to civilian rule. These are found in countries that have experienced periods of military dictatorship. The pressure of establish a new civilian dispensation often does not allow for a widespread deliberations on the constitution. Only the political forces involved in putting pressure on the military usually come up it a charter or an interim constitution that fills the vacuum left by the military.

3. Constitutions negotiated between parties as part of a peace under the mediation of a third party. These are less formulaic then independence constitutions because they have gone through lengthy process of negotiation between different parties. They reflect compromises, true balance of power, and then elevated to constitutional principles.

4. Revolutionary constitutions adopted by fiat by victorious belligerent parties. These may be the most innovative constitutions. The nearest to this are the Ethiopian and the Ugandan constitutions. E.g. the introduction of ethnic federalism in Ethiopia and the movement system in Uganda.

5. Theocratic constitutions adopted by religiously oriented state. This excludes substantial groups from the enjoyment of their basic rights. An example is Sudan under the National Islamic Front (NIF).
6. Constitutions drafted by specialists or experts brought in by the government for the purpose e.g. Somaliland constitution. This process has the virtue of being rapid but lacks popular participation.

7. Constitutions adopted through a process of popular participation: An example is the Eritrean constitution

6. Some Principles that should Inform the Constitution-making Process in Africa

Prof. K. Kibwana has emphasized inter-alia the importance of the following principles as essential ingredients in the constitution-making process in Africa in order to develop a democratic constitutional culture. 5

a. Deconcentration of executive power authority;

b. Guarantee of extensive political and civil rights which are justifiable and enforceable by the courts;

c. Observance of the rule of law and constitutionalism;

d. Institutionalization of political pluralism in any existing political system;

e. Movement away from military regimes and generally other authoritarian political forms;

f. Bona fide popular participation of citizens in public life and their guaranteed access to information;

g. Recognition of the role of organized civil society in nation building and in exacting accountability and transparency on the leaders;
h. Guaranteeing of the freedom of opinion and expression and particularly the freedom of the press;

i. Free and fair elections.

7.1 Mechanisms of Constitution-making

1. National conference
2. National convention
3. Constitutional draft commission
4. Constituent assembly
5. Parliament
6. Constitutional review process.

7.2 Process of Constitution-making

b. Peoples participation (views collected and collated)
c. Use of plenary and committees
d. Keeping records for interpretation
e. Use of experts, negotiators, conflict solvers etc
f. Peaceful environment i.e. conducive environment and open discussions free from intimidation and violence.

8.1 Implementation of Constitutions

For a constitution to be implemented;

* It must be real and a property of the citizens of the country.
• It must be relevant to the country in its particular stage of its social, economic and political development.

• It must reflect common core value of the society.

• It must be a product of wider consultation

• It must guarantee equal rights for all citizens.

• It should be a product of national consensus.

• It should establish institutions for democratic governance.

• It should guarantee basic human rights.

8.2 Mechanisms of Implementation

The following are mechanisms by which a constitution is implemented:

1. Action by the relevant arm of government to ensure that legal and institutional aspects of the constitution are in place (i.e. enactment of legislation or formulation of policy).

2. Creation of institutions in whom power is vested by the constitution.

3. Citizens must be educated with their constitutional rights and obligations so that they can effectively invoke and exercise them.

4. The judiciary must act as the watchdog in upholding the rights guaranteed by the constitution.
8.3 Issues in Sudan Constitution-making Process

The constitution adopted by the Sudan at independence was a modified version of the self-government statute of 1953. The 1956 constitution was based on the liberal democratic model. There was separation of the executive, legislative and the judiciary to ensure checks and balances. It was drafted by a British Judge, Stanley Baker. It followed the British Parliamentary system.

The executive authority was shared between Supreme Council of State and a Prime Minister. The Council of State performed the ceremonial functions of a Head of State while the Prime Minister was head of the government. The legislature consisted of two chambers- a Senate and a House of Representatives. Both Houses were popularly elected and the Senate acted as an important counter check on the House of Representatives. The Judiciary was independent and judges were guaranteed security of tenure and non-interference in their judicial work.

The 1956 constitution was ousted by the Army on 17 November 1958 in a Military Coup. The Army imposed a repressive military regime for a period of six years before it was overthrown in a popular uprising in 1964. The new civilian government reverted back to the 1956 constitution with some amendments. All the military constitutional decrees were invalidated. The liberal democratic structure of the constitution was maintained during the second parliamentary era (1964-1969). The chairmanship of the Supreme Council that used to rotate among members was made to be permanent and his role as Head of State and that of the prime minister as head of government were clarified.

During the second parliamentary era, the Islamic movement in both its moderate and radical wings attempted to promulgate an Islamic constitution to replace the 1956 independence constitution that was secular, with an Islamic constitution. This was resisted by the Southern representatives, the Communist Party and other representatives of some regional groupings like the General Union of the Nuba Mountains (GUN) who staged walkouts in protest. However, the whole process was
brought to a final halt when the army under Colonel Nimeiri again took over the reign of powers from the Political parties in a Military Coup on 25th May 1969. The new military government disbanded the constitution and all the political parties except the Communist Party that allied itself with the regime in the early years before it finally fell out in 1971 after some Communist elements in the army attempted a take-over of the government.

The Nimeiri regime ruled the country in the first years through Constitutional Decrees passed by the Army Revolutionary Command Council. The regime then imposed a one party rule. The Sudan Socialist Union became the only legally authorized party in Sudan. The regime eventually promulgated a constitution for the country in 1973 in which Sudan was declared a socialist state. The new constitution introduced a presidential system of government in which the President was elected directly by the people in a plebiscite. The executive was appointed by the president who also participated in legislation together with a one-chamber legislature- the National Assembly. At the time, Southern Sudan enjoyed Regional autonomy as a result of the Addis Ababa Agreement of 1972, which was incorporated into the 1973 constitution under article 8. The 1973 constitution was passed by a constituent Assembly. In the 16 years that followed before the demise of the regime in 1985, the 1973 Constitution was subjected to many amendments that gave the regime more powers of repression and to curtail any opposition to it. At the same time the regime began drifting from its declared socialist-ideology to political Islam. This culminated finally in 1983 to the declaration of Sudan as an Islamic country and imposition of Shariah law. The basic structure of the Constitution was radically altered with consultation with the people.

The Transition Military government that took power after the fall of Nimeiri did not maintain the 1973 constitution. It issued its own Transitional Constitution after ruling through constitutional decrees for sometime along side the Political Charter worked out with the representative of the National Alliance for National Salvation, which brought together Trade Union representatives and representatives of political parties.
The Transitional Military Council (JMC) and its civilian cabinet finally conducted general elections and handed over power to the political parties in May 1986. No major constitutional changes took place under the third democratic era until the National Islamic Front took over power in a military coup in June 30, 1989. The National Islamic Front government promulgated a constitution for the country in 1998. It is an Islamic constitution in content. It has adopted a pseudo-federal system of government under which the country is divided into 26 states. The 1998 constitution has placed Islam in the centre of political conflict in the Sudan. The 1998 constitution has entrenched principles that cannot be altered except through a referendum. However the National Assembly may change matters decided in a referendum by two-thirds majority vote.

8.4 The Peace Process and Constitution-making

There is much talk in the media that Sudan will achieve peace before the end of the year. This has generated a lot of optimism throughout the country. Most Sudanese take the efforts and pressure being exerted on both the government of Sudan and the SPLM/A, by the mediators and observer nations as their source of optimism and hope. However the peace negotiations have now stalemated on important issues. These include how to constitute the Presidency, the percentage shares of the South in National political and bureaucratic institutions, the status of the National capital, sharing of revenues from oil and non-oil resources, security arrangements and the status of the three areas of Nuba Mountains, Abyei and Southern Blue Nile. A Peace Agreement to resolve the conflict in Sudan hinges on the resolution of the above issues in the next round of negotiations. Let us be optimistic that agreement will be reached on the above issues so that a new era of peace is ushered in Sudan. It is now recognized that any peace settlement in the Sudan will immediately trigger off a constitution-making process.
8.5 The Machakos Protocol.

The Machakos Protocol has defined the levels of governments that will be established in the Sudan under separate constitutional arrangements.

These are:

a) National level of government
b) Southern Sudan level of government
c) State level of government
d) Local government.

It is also envisaged in the Machakos Protocol that there will be a National Constitution, a Southern Sudan constitution and state constitutions. This process of constitution making shall start off as soon as the peace agreement is signed by the leaders of the two parties to the conflict i.e. The GOS and SPLM/A. Their signatures shall bind the parties to the agreement and shall assume the obligations arising there from particularly the obligation to implement the Agreement and to give legal and constitutional effect to the arrangements agreed therein. By their signature of the agreement the parties shall undertake to ensure that all organs, committees and structures under their control including their members observe the terms of the agreement.

The responsibility of drafting an interim constitution to govern the interim period has been put on a National Constitutional Review Commission. The final draft constitution will be primarily based on the Peace Agreement and provisions of the 1998 constitution that are in harmony with the agreement. Before the final constitutional text becomes the interim constitution, it will have to be passed by the National Assembly and the SPLM/A National Liberation Council (NLC). There is no requirement for a plebiscite to endorse the agreement.
The second constitution-making exercise consists of the drafting of the constitution of Southern Sudan and the state constitutions. The procedure and mechanisms for drafting the constitution of Southern Sudan have not yet been defined. What is sure is that it will be the government of Southern Sudan that will initiate the process. This task should be accomplished during the pre-interim period (First 6 months). The constitution of Southern Sudan must however not contradict the interim National constitution and the peace agreement. As to the state constitutions, these will be based on model constitutions to be worked out after the coming into effect of the peace agreement and the interim constitution. Like the constitution of Southern Sudan they must conform with the interim National constitution.

There are some differing interpretations and understanding of the use of the words ‘review’ and ‘draft’ in describing the commission and its functions. There are those who think that since the commission to be set up is a **Review Commission**, its role must be to review the 1998 constitution and use it as the interim constitution after its modification to incorporate the Peace Agreement. But the correct understanding is that the Peace Agreement is the principal document on which the Interim Constitution will be based and supplemented by the 1998 constitution. The commission could even consult other relevant documents in its work, in order to enrich the constitutional text.

**Conclusion**

The current situation in Africa needs fundamental changes in governance systems and in the thinking of its leaders. The elite must recognize the critical role of their masses in deciding their fate through democratic means. The raging civil wars, abject poverty, authoritarian and corrupt governments will not deliver the African people from their present situation. The African ruling political elite must show readiness and willingness to involve their people in governance and their development to meet the challenges of globalization and the threat of marginalization. If the continent will have any hope for a better future at all particularly in the economic sphere, the people must be at the centre of development initiatives.
For the Sudanese who have been fighting among themselves for most part of the independence life of their country the challenge is even more profound. The choice before the elite in Khartoum are only two. They either choose to promote national unity through a democratic constitution that effectively recognizes the ethnic, religious and cultural diversity of the Sudanese people far away from any forms of impositions by one national group on the other groups or allow the disintegration of the country into several independent political entities.

A constitution is a living framework for a government of a people exhibiting a sufficient degree of cohesion. A constitution however carefully constructed cannot function among a people fundamentally at odds with one another. The primary problem of constitutionalism in Sudan is that of national unity. Constitutionalism cannot thrive in societies where there is a crisis of National Unity. People in a state must have a feeling of common belonging otherwise without this the state cannot survive however powerful its coercive forces. It has to be accepted by all the people inhabiting it. The greatest challenge to Sudan’s political elite remains to be how to find an acceptable basis for national unity, peace and stability without which no constitutional arrangements will endure.
References:


2. K.C. Wheare, Modern Constitutions 1966. P.137

3. Constitutional Reform in East Africa – Onyango, Kibwana and Peter edit, Claripress Ltd, 1996

4. de Waal, Alex 2002, Demilitarizing the Mind, P.66 Africa World Press, Inc.

5. Kibwana, OP Cit Supran P.12


7. The Machakos Protocol, July 20, 2002
I. Introduction

Peace is about to come to the Sudan. But is it really and what kind of peace will it be? Someone recently said to me that peace is like pregnancy; it is either there or it is not. So, what does the question, ‘Is peace really about to come and what kind of peace?’ mean? I believe it must mean wondering whether whatever peace is achieved would genuinely bring the parties together, reconcile them in both mind and soul, and therefore be sustainable. In other words, it should be a win-win peace rather than an uncomfortable compromise or a relative subjective victory by the parties in a game of wits. This raises challenges that are immediate, short-term, and long-term, some far beyond any peace agreement that might be achieved.

In this paper I will try to address the critical issues in the peace process and how they might be resolved, the post-conflict challenge of repatriation or return for refugees and the internally displaced, and the longer-term agenda for reconstruction and development. In all of these phases, the issues involved are highly complex, sensitive and controversial. My guiding principles are the achievement of durable peace within an equitable framework with which all Sudanese can identify as citizens, with all the rights and dignity of citizenship. This framework also advocates promoting development as a concept of self-enhancement from within, building indigenous values and institutions with international co-operation and cross-cultural enrichment.
II. Background to the Search for Peace

The war in the Sudan, the longest in the world (twenty years) and the most costly in human lives (over 2 million dead), is at long last receiving world attention, thanks to the engagement of key international actors, led by the United States with President George W Bush’s personal involvement.

There is a history to the Bush family involvement. One of the most flattering compliments I ever received was from the senior Bush, who was then Director of the Central Intelligence Agency (CIA). As a newly arrived ambassador of the Sudan in late 1975 and through mutual friends, I met with George Bush in his CIA office. We had just ended the 17-year civil war in the Sudan and had embarked on a foreign policy that used our domestic accomplishment of peace, unity and national reconciliation as a basis for soliciting and cultivating international co-operation in the reconstruction and development of the Sudan. Our vast potential in terms of arable land, water, minerals and other resources (to which oil was later added) gave us the spotlight of being the potential bread basket of North Africa and the Middle East. Equally important was the role Sudan was equipped to play in the region as a force for moderation, peace and reconciliation. I then highlighted the importance of the United States as a partner in that venture and the need to reinforce and strengthen the Sudan to play its constructive role in the region to the mutual interest of all concerned, in particular the United States and the Sudan, whose common ground emanated naturally from domestic realities and shared policy. Bush responded by saying, and I quote from recollection, ‘Mr Ambassador, I wish I had tape-recorded you to play to Senators and Congressmen on the Hill. They need to hear the kind of message you have just articulated’.

Bush lent me a helping hand in promoting the cause of the Sudan in various decision-making circles in Washington. My eventual success in making a breakthrough in normalising relations between the Sudan and United States in the aftermath of the assassination of the U.S. Chargé d’Affairs in Khartoum by the Black September
Movement and the reaction from Washington, which virtually froze bilateral relations, was undoubtedly influenced by the support I received from individuals like Bush. We were able to persuade first Under-Secretary of State for Political Affairs Joseph Sisco and later Henry Kissinger, then Secretary of State, in favour of normalisation of relations, which permitted president Nimeiri to undertake the first highly successful visit to Washington in 1976.

Sudan was later to support the Camp David Accords between Egypt and Israel in a way that was highly controversial in the country, but in which our domestic achievement of peace, unity and reconciliation provided the foundation. I speak from experience because I worked very closely with President Nimeiri to undertake the first highly successful visit to Washington in 1976.

As Vice President under President Reagan, the senior Bush later visited the Sudan, took a personal interest in the problems of the country and helped reinforce the close ties between the two countries. Unfortunately, the United States then began to see Nimeiri, the person, as the friend of the United States instead of the domestic policies of peace and reconciliation as the foundation stone of his statesmanship and international standing. And so, even as he began to undo all the positive work he had done domestically, in particular his dismantling of the peace agreement with the South, he continued to be supported by the United States as ‘a friend’. Nimeiri eventually began to lose his domestic support, even as he enjoyed almost unqualified support from the United States, and eventually lost power as a lone discredited dictator. The rest is history.

On a personal note, I joined the government only when peace was achieved and I was proud to represent a United Sudan in a government I could support and promote in good conscience. When the country fell back into a state of acutely divisive conflict, I decided I could no longer be a representative of the government in good conscience. So I resigned, but pledged to remain in the search for a just and lasting peace for my
country. In addition to works of scholarship and two novels devoted to this cause, I have been involved in virtually all the initiatives for peace in the Sudan.

I was honoured to co-chair with Steve Morison, Director of African Studies at the Center for Strategic and International Studies (CSIS), the Task Force on US-Sudan Policy, which recommended US involvement in the search for peace. The central formula that emerged from the Task Force was the need to reconcile the seemingly irreconcilable realities, the principle of national unity, which the North espouses, with overwhelming support from the international community, and the separatist aspiration in the South, with whose cause many forces in Africa and the international community sympathised. The formula that we thought could reconcile the two was that of One Country, Two Systems. The two systems can be multiple to accommodate the marginalized areas of the South. That conceptual framework has remained the most plausible formula for the resolution of the Sudanese conflict, even though it remains controversial and by no means enjoys consensus.

The right of self-determination for the South has now been agreed upon by all parties to the conflict in a variety of fora, but expectations about the prospective outcome differ enormously. The North hopes, in fact believes, that the outcome of self-determination will be unity, while most Southerners see it as their opportunity to achieve independence. Speculation on the outcome calls for a closer look at the peace process and the issues at stake.

III. Challenges in the Peace Process

The talks in the Kenyan town of Machakos have vacillated between an optimistic progress towards peace and a discouraging impasse on divisive issues. And, indeed there are serious divisions on critical issues.

The agreement on self-determination for the South after a six-year interim period was a major breakthrough, but while most Southerners expect to exercise that right in
favour of independence, the general view among those who would prefer to see the Sudan remain united is that self-determination for the South would force the North, in particular the government, with the support of international friends of the Sudan, to make unity attractive enough for Southerners to vote for it. But what would it take to create such favourable conditions? At present, the differences on major issues raise concerns over the prospects.

On the security front, the SPLM/A wants to retain its forces, while the government wants an integrated army. While the government position is understandable, as long as the country is united, the experience of the South gives no assurance that any security arrangements would be honoured without a credible defence force for the South.

On power sharing, the SPLM/A wants a rotating presidency, while the government would concede to the SPLM/A only the position of a First Vice President with no prospects of succession to the Presidency. A strong Vice President is likely to threaten the President’s overriding power, as conventionally understood, and Northerners are likely to view it as too much encroachment by the South on the national power structure, while Southerners are almost certain to see it as evidence that they are still second class citizens.

As for wealth-sharing, the percentages of oil revenues claimed by both sides leave a major gap to be bridged, although this is an area in which the mediators appear to have made significant progress.

Then there is the issue of the three contested areas of Abyei, the Nuba Mountains and Southern Blue Nile, which are administratively within the Northern borders, but are racially, ethnically and culturally more akin to the South, are equally marginalized and have joined the SPLM/A in the armed struggle. Neither of the sides seems to concede its claim over these areas.
Then there is the issue of what law should govern the national capital. While the SPLM/A demands that the capital be religiously neutral the government insists that Sharia must apply throughout the North, including the capital.

The issue of whether Sharia should apply in the North or not is only symptomatic of the broader crisis of national identity. The regime in Khartoum is strongly committed to an Arab-Islamic agenda for the country that radically contrasts with the secular ‘Sudanistic’ vision espoused by the Southern-based SPLM/A. It is extremely challenging to reconcile these contrasting visions within the formula of One Country Two (or Multiple) Systems.

The choice whether Sudan should remain one country or partitioned is not entirely for the Sudanese to determine. Pivotal regional and international forces have a significant say in the outcome. And they all seem to favour the unity option. In addition, the allies of the SPLM/A in the North are not fighting for the separation of the South from the North, but for the reform of the country to be more equitable and inclusive. They want genuine democracy, respect for fundamental rights, and a framework of national unity in diversity.

The pressure from both the international community and the grass roots within the country is for peace, with a deep sense of urgency. The United States and its partners, Norway, Italy and the United Kingdom, are capable of pressuring the parties towards peace. The critical question is what formula would bring about a sustainable peace.

The challenge of the formula of One Country Two (or Multiple) Systems is to reconcile the separatist aspirations of the majority of Southerners with the option of unity preferred by most Northerners, with regional and international support. This can only be accomplished through arrangements that ensure for the South full security, self-rule, a robust development program, and access to international co-operation. In addition, the South should have an equitable share of power at the national level, including the shaping of defence and foreign policies.
IV. Post-Conflict Repatriation, Reconstruction and Development

Although the prospects for peace in the Sudan remain precarious, post-conflict challenges are equally daunting. In the event of a peace agreement, the immediate post-conflict challenges are bound to focus on the repatriation of refugees and the return of the internally displaced to their areas of origin, with a programme of reconstruction and development.

The 1955-72 war and the current war, which began in 1983, reflect significant differences that might influence post-conflict trends, especially with respect to repatriation of refugees and the return of the internally displaced. During the first war, which was separatist in its declared objectives, most Southerners fled the country into refuge in neighbouring countries. In the current war, which is manifestly unionist, most Southerners have fled to the North and have become internally displaced persons. Whether there is a connection between the declared objectives of the liberation struggle and the pattern of flight is an issue worth investigating.

The end of the first war witnessed a mass return of the refugees to the South. Whether the return of the internally displaced persons from the North to the South will be equally massive remains to be seen. But in all likelihood most Southerners will return. The outcome of the peace agreement, in particular whether the exercise of self-determination will lead to the independence of the South or affirmation of unity, may have an impact on return. This may also mean that return during the interim period may be less massive compared to return in the event of secession.

In either case, displaced Southerners, particularly from the rural areas, are not likely to return to the pre-war conditions, which were characterised by total lack of social services and development opportunities. At the very minimum they would want education for their children, health services, sanitation, clean water and basic infrastructure. There is also likely to be a demand for improved housing, agricultural technology, and communications systems.
In a way, the discovery of oil in some of the areas, from which people have been forced to flee and to which they will return, offers opportunities for rapid investment into social services and rural development. But unless these resources are well targeted to reinforce existing social structures and generate development as a process of self-enhancement from within, oil may prove to be yet another source of destruction and even doom. Wealth generated and directed from outside the social and cultural context is bound to overwhelm the local structures with highways, modern buildings, and corporate interests overwhelming the local economy and infrastructure and turning the indigenous populations into an underclass of labourers and domestic servants. As has happened elsewhere, the wealth beneath their land would have been used to destroy the world they know.

This imposes an enormous moral challenge on the leadership to ensure that the diversities which make the Sudan such a rich nation of peoples and cultures are protected and enhanced by the new-found wealth. Ideally, while these resources are national and should benefit the nation as a whole, the local population must be the primary beneficiaries. Their needs are so basic that it will not require much to ensure a decent level of existence and livelihood. The progression beyond that basic level can then be a gradual process of self-enhancement from within, always aiming high, but with entrenched roots. Even the outside world may come to admire that eclectic combination of modernity and tradition of globalization and localization.

V. Appreciating the Cultural Diversities of the Sudan

Appreciating the cultural dimension of the Sudanese conflict has been grossly missing in the elite dialogue between North and South. The conflict has been seen as primarily a power and wealth contest, pitting the Arab-Muslim North against the non-Arab, non-Muslim South. In recent years, the circle of the aggrieved has been expanded to embrace the marginalized non-Arab groups in the North.
Thus, while the Arab-Islamic identity has been the dominant one, shaping the national agenda, other groups have been negatively defined (as ‘non-’) and largely reactive. The SPLM/A has shifted the debate towards a concept of ‘Sudanism’, which is giving these ‘non-’ groups a more assertive sense of their identity.

And yet, the South and their hindered groups in the North are still seen as culturally anomalous groups. It is now well known that they are non-Arab, but what in substantive cultural terms are they? What do these peoples have that can offer the country something valuable in the diversities of the nation? The question goes beyond North and South or Arab and non-Arab. Even within the so-called Arab North, there are enriching ‘tribal’ and even ‘civilizational’ diversities that get overshadowed by the simplistic notions of ‘Arabism’ and Africanism. We need to expose these hidden treasures to fully understand and appreciate the wealth of the country or the emerging nation.

First and foremost, these anomalous groups have to know themselves, to appreciate their cultural values and institutional structures, and to clarify how these can contribute to enriching a united Sudanese nation. The walls of cultural communication between North and South have to be torn down. The language barriers have to be bridged through translation of various works into Arabic, English and local languages. To know is to recognise, understand and respect. Ignorance reinforces prejudice, even among the formally educated. Education is not an abstract value. It is a transmission of the known realities. Prejudices are perpetuated through culturally insulated education. A PhD is as good as the knowledge base of its culturally contextualized education. An individual with humanising cross-cultural experiences is more likely to see the common dignity in humanity.

Anecdotes from personal experiences testify to the unbelievable ignorance about the South from supposedly enlightened circles in the North. A friend and colleague, a senior judge and a man who could not be accused of racial prejudice or chauvinism once remarked to me about Southerners: ‘Poor people masakeen; they do not even
know God’. I asked him whether he knew that volumes had been written by anthropologists about the religions of the Southern peoples. His response was: ‘Wa-llahi Al-Azim?’ (‘By God Almighty?’). An Ambassador of a foreign country told me of a conversation he had with a Foreign Minister of the Sudan who divided the country into the civilised Arab Muslim North, and the primitive pagan tribes in the South, among whom he specified the Dinka as so primitive that they still go naked. It would be interesting to see how one explains in terms of civilization a young Dinka couple in a courtship scene, both naked, and the man so self-controlled that he would not reveal any physical evidence of being sexually aroused. To do so would be a scandal from which the man could not survive socially; he would have to disappear into oblivion. Culture comes in various forms, including covering up and enticing at any degree of exposure or being natural and controlling emotions and physical manifestations until the right moment.

Sadly, Southerners have been conditioned to denigrate their own cultures. Instinctively, they believe they know their cultures simply because they are Southerners and their culture is part of their identity. And yet, they do not really know, and what they know, they assume is primitive anyway and is the realm of foreign anthropologists, to be studied and used for university education, not related to the world they know.

Again, a couple of anecdotes will substantiate my point. As part of my transitional studies, from seeing law as an expression of social processes, involving the pursuit of values, I collected, translated and published books on Dinka songs and folktales. When I shared with leading Dinka lawyers and public figures one intriguing story and how it reflected the wealth of Dinka culture in terms of social relationships, at first I saw them somewhat distracted and then one of them said, ‘Francis, you amaze me; here you are so highly educated with a doctorate in law and international experience, and you come back to discuss Dinka folktales’.
In response to my book, ‘The Dinka and their Songs’, published by the Clarendon Press in the Oxford Library of African Literature and well reviewed in the Times Literary Supplement, a Dinka relative, with whom I had shared experiences inside the Sudan and abroad, commented, ‘Francis do we really have such beautiful poetry, or have you made it up in your translation?’.

How can our cultures be respected by others if we do not respect them ourselves? I have no doubt that Southerners have a great deal of pride in their identity and culture. But their confidence in themselves may be shaken by two factors: external influences and ignorance of their own cultures.

There are, however, encouraging indicators both in the way Southerners are beginning to appreciate works of their cultures and the response of the Northerners to Southern cultures as they begin to understand them. Increasingly, I am moved by the feedback I am beginning to get from Southerners, particularly the younger generation, to any works, from an initial tendency to dismiss these works as ‘tribalistic’, because they focus on the Dinka. People are now demanding similar studies about their own societies. Northerners too are showing significant interest in my works, especially on the challenge of national identity. The younger generation of Northern Sudanese are surprising me with their intense interest and even significant agreement with my arguments on identity, in a manner that contrasts sharply with their seniors. This is more than I had expected and one that augurs well for the country.

But the challenge and the potential of enriching diversity is not only between the North and the South. The same dynamics are at work within the North. Although the Arab-Islamic identity of the North has predominated, there are cultural variations within the Arab-Islamic community, not to mention those that are Muslim, but non-Arab. It should also be noted that Sudan has historically experienced layers of civilizations from the Judaic tradition to Christianity and Islam, preceded of course by indigenous religions that remain tenacious, deep rooted and timeless.
V. Conclusion

It is now widely believed that Sudan is inexorably headed towards peace. It may not be a perfect peace, but it will at least stop the bloodshed and set the country on a more constructive search for a longer-term basis for national reconstruction and nation building.

Several issues will continue to challenge the leadership: creating a framework with which all citizens can identify, with a sense of belonging and dignity; providing social services, employment opportunities, and prospects for development by utilizing national resources; and reinforcing and empowering existing social and cultural organizations in a development process of self-enhancement from within.

The interim period will be critical in testing the extent to which the Sudanese would want to remain united or be divided into independent countries. I see self-determination not as a pre-ordained avenue to partition, but as a challenge for the nation, in particular the leadership, to create conditions conducive to unity. This requires of the North, the Arab and international partners to invest in a socially and culturally conscious development of the South. It also calls for the country, in particular the north and international partners, to appreciate the potential wealth of cultural diversity and how it can be harnessed to foster an enriched national integration.

For the immediate post-conflict situation, it means creating conditions that would ensure the security of the South, equal partnership in power- and wealth-sharing, and cross-cultural fertilisation in nation building. It will also require catering to the immediate needs of the returning refugees and internally displaced persons, not only in terms of protection and assistance on return, alternative resettlement and reintegration, but also for the longer-term prospects for culturally contextualized development. This requires cross-cultural understanding.
One of the things this meeting might advocate and support is to tear down the wall of cross-cultural communication between North and South by making works in Arabic and English available to the other side of the language divide. I realise this may be self-serving, as I have embarked on the translation of my books into Arabic. But it is, in my opinion, a genuine national priority.

Finally, we should all remember that while the unity of the Sudan is the preferred option of many, if not most, inside and outside the Sudan, the forces of separation are strong – and understandably so. It would therefore require even greater forces, not of repression or oppression, but of persuasion, to give unity an edge over separatism. This will require considerable affirmative action, not only from the Northern Sudanese, foremost the Government, but also from the friends of the Sudan and the international community at large.
I. Prelude

My fellow Sudanese,

Fraternal greetings to you all everywhere, at home in the Sudan and in the Diaspora around the world.

This letter, my third exposition is in three distinct parts, this portion, an introduction, a chronological historical survey and finally a recommendation, the most important part.

The two annexes at the end are to indicate consistency and persistence over the issues on my part and to provide further information.

I am one born in a hamlet in the Madi Sub-County of Moli, north of Nimule in Torit District, southern Sudan. This information is for you to know where I come from. I attended schools at the different levels in areas other than my home district and concluded in Khartoum, northern Sudan. I was trained in the Sudan Military College Omdurman and commissioned an officer in the Sudanese army in May 1960. I served the country in both North and South.

In June 1963 while on leave in Nimule, I defected from the Sudanese army. I was requested to do so by the southern members of the 1958 parliament forced into exile.
by the military regime of General Ibrahim Abboud. They then heard of my presence
at home. I rejoined the Sudanese armed forces following the signing of the Addis
Ababa peace Agreement, March 1972.

I have been an officer in the regular army and a guerrilla commander. I experienced
both war and peace. I feel I know the Sudan. I travelled its length and breadth, lived
and worked among various ethnic groups, religious communities and social groups.
The Sudanese as a people do not have unbridgeable differences that separate them.
They can live under one flag, but in a democratic decentralised system.

Fellow patriots, I am writing as one who has seen a bit of the outside world. During
my stay abroad in the UK in particular, following the demise of the May regime, I
met members of humanitarian organisations, Moral Re-Armament (MRA), which
lately changed its name to Initiative of Change (IC) and the Worldwide Consultative
Association of Retired Generals and Admirals (WCARGA). Through IC, I gained
experiences by attending peace and reconciliation conferences around the world.

I attended conferences on good governance, peace and stability in Tanzania, Mali,
and in Sri Lanka, sponsored by WCARGA. I have been greatly influenced by my
association with these organisations.

I am therefore, leaning towards humanitarian initiatives. I wish to transfer the
motivation home to the Sudan and contribute to the cause of peace in my country
once more. This is part of the encouragement that induced me to write this letter. It
aims:

a) to explore the way to a sustainable peace with justice and intention
to maintain the country’s unity after the interim period,

b) to provoke and conduct wide consultations, with a pragmatic view to
an interim arrangement, attractive to the various Sudanese political
groups,
c) and finally, to prepare the nation and enlighten the public that the notion of reconciliation is vital for further move towards the attainment of coherence in our societies.

The popular system of government in today’s world, is democracy, as my little Collins pocket dictionary puts it: “The government by the people or their elected representatives.” We cannot be different from other nations. I believe in democracy myself and I tried to observe it my little way after leading a liberation movement. I refrained from rushing into political office following signing a peace accord on behalf of the people I represented, which I could have done if I had wanted. Nonetheless, at the time, my mind was occupied with the admiration of World War II heroes, with the French General, Charles de Gaulle at the top. General de Gaulle did not rush into politics when he emerged as a war hero in France following victory of the allied forces over Nazi Germany. Modestly, he left the politicians in his country to exhaust their ambitions. They wrangled for political power and messed themselves up. The General emerged into politics later, when public opinion indicated the necessity for him to do so. He came with moral authority and saved France from political instability and led the country to a stable leading power in Europe. Patriotism, self-discipline, perseverance and patience, are the qualities I admire in him. I tried to observe those myself during my endeavours. I was comfortable to remain with my men in the army to resettle them under the new situation. No one else other than myself could have done that. I responded to a popular wish of southern Sudanese. Politicians across southern political groupings persuaded me to step into politics to prevent the northern leader from re-imposing the candidate of his choice on the people of the south. As my hero General de Gaulle, I responded and stepped into politics with moral authority, and the wishes of the people of South Sudan were accomplished.

I would advise the SPLM/A leader, my former officer, to take note of that. The general public don’t forget those who serve them faithfully, they do reward them appropriately and handsomely. As for the incumbent Sudanese leader, General
Beshir, he did not initiate the crises, but inherited them and therefore he is not to blame for their occurrence. He should aim to resolve them and become a peace hero. His predecessors Generals Abboud and Nimeiri could not succeed by military might to crush the southern movement. It exhausted their strengths, aroused public resentment against them and finally caused the collapse of their regimes. General Beshir doesn’t have to wait for that uncomfortable end. The world has changed. Military led regimes are no longer popular. He should seek a smooth way out, which is possible. He can simply join hands with other political groups to evolve an interim arrangement satisfactory to members of most political parties in the country, following an agreement after the ongoing peace process.

I hold nothing against either Beshir or Garang, I feel I had enjoyed their respect in the past when I was their senior officer in the Sudanese armed forces. I would work to find an honourable way out for each one of the two. I want them to become colleagues again for they have nothing personally against each other. It is the persisting political situation starting from the days of our political patriarchs, Abdallah Khelil, Ismail El Azhari and Benjamin Lwoki that made them find themselves facing each other.

Fellow patriots, let me reflect on the past.

II. Historical Survey

To approach what I would want to recommend later, I would like to start with a brief historical review, pre-independence and post-independence. It is appropriate to have the past in mind in order to manage the present and plan for the future. I will, then present a pattern of administration most appropriate, in my mind, for an interim period, which can become a permanent one.
1. Pre-independence

The Colonial Powers established a sound pattern of governance based on native administration and traditional rule under the tribal chiefs at county levels. The chiefs had their Surukalis (Chiefs’ Police) to assist them in maintaining law and order. And it ascended up the ladder to District and Provincial levels under supervision of Colonial political officers, the District Commissioners and the Provincial Governors respectively. Each District had its own Police Force supervised at the provincial headquarters by the Province Police Commandant. At the top of the pyramid (Central Authority) was the Governor General and his immediate Assistants: the Civil Secretary, the Financial Secretary and the Legal Adviser.

Alongside the civil administration was the military establishment, The Sudan Defence Force (SDF). The country was divided into military districts and the SDF formations were deployed in those military districts. Recruitment and deployments of troops in peace time was all local and within the districts. The whole south was one military district. The formation in the district was named, *Equatoria Corps* with the town of Torit in Eastern Equatoria as its headquarters. Its sub-units (companies) were located as follows: No 3 Company in Wau, Bahr el Ghazal, No. 4 Company in Malakal, Upper Nile and No. 5 Company in Kapoeta, Eastern Equatoria. As independence approached, Platoons were stationed in Yei and Yambio Districts Headquarters in Central and Western Equatoria respectively, and a Company garrison was built in Malou near Rumbek town in Lakes District of Bahr el Ghazal Province. Juba till then had only a Transit Camp at the road junction to Kator Catholic Cathedral, just before the site where the bridge was later built.

The north had three formations and three military districts:

1. The Haggana in Central Sudan with headquarters at El Obeid, Kordofan Province, a military district in Central Sudan.
2. The West Arab Camel Corps in Darfur Province with headquarters at El Fashir in Darfur Province, a military district in Western Sudan.

3. The East Arab Camel Corps in Kassala Province with headquarters at El Gedaref in Kassala Province, a military district in Eastern Sudan.

Beside those were:

i) The Artillery Regiment located in Atbara, northern Province.

ii) The Engineers Regiment located in Omdurman.

iii) The Signals and the Service Corps located in Khartoum North.

vi) The Ordnance Corps in Khartoum alongside a Medical Directorate, and the General Headquarters of the SDF.

That was the military establishment in the Sudan before the revolt of the Equatoria Corps, 18 August 1955. In brief, the Infantry units of the SDF were drawn and deployed territorially.

2. The Move Towards Independence

In 1947 London decided to reverse the southern policy. The two parts of the Sudan, north and south hitherto, ruled separately were merged. Before that the south was made to look towards British East Africa, whereas the north was geared to look at Egypt and the Middle Eastern Arab and Islamic nations. The decision was made by pressures from Egypt, the junior partner in the Condominium to prepare the Sudan for self-government and eventually independence. Egypt hoped it would regain the Sudan as a province by supporting the north in the drive for independence. Consequently, she supported a northern party that stood for a link with her. The decision to merge the south with the north was not popular in the south. The people there were caught unprepared for the march for independence. They feared eventual northern domination as the northerners were better prepared for independence than them and were backed by Egypt. Consequently, the south called for a federal system
of government to prevent northern domination. In the north there was jubilation over the British decision. It was to open the south, since then sealed off from the north and pave the way for them (northerners) to get to the south to exploit its immense economic potential, as they and the Egyptians perceived it. Most of the people in the north since then looked at the south from those perspectives, and not really as part of their country with the inhabitants their compatriots. Apparently, that is the same way Egyptians look at the Sudan as a whole and the Sudanese. At the time the north had some political experience. It had an Advisory Council to advise the Governor General on the administration in the north. Nothing of the type was ever thought of by the colonial administration for the south.

Subsequently, members of a Legislative Assembly were selected for the whole Sudan in 1948. There were only 13 southern members. It was opened in Khartoum the same year. And, its executive council an internal self-government was instituted with Abdallah Bey Khelil, a retired Colonel and a member of the Pro-British Umma Party as Chief Minister and a council of Sudanese ministers under him, all northerners. They were collectively responsible to the Governor General. Each Ministry had an expatriate official (British) as Director (top civil servant) to guide, rather than advise the Minister.

A conference of northern parties was convened in Cairo in 1953 by the ruling Egyptian military junta. The march for independence or a link with Egypt was declared without consulting southern opinion on the pretext that the south did not have a political party of its own to be invited. That was not true, because the southern Liberal Party was already in existence. The south was simply ignored. Preparations for the first general election in the Sudan followed. Election campaigning intensified during the remaining months of 1953. Northern parties extended their campaigns in the south, especially the National Unionist Party (NUP) of Ismail El Azhari, heavily supported financially by Egypt because of his call for a link with that country. Unbelievable promises were made on behalf of the NUP by Major Salah Salim (the dancing Major), Egyptian minister for Sudan affairs, and
chief campaigner. He was reported to have told a medical orderly, a male nurse, that he could become a doctor (physician) when independence comes. Surely, that was inconceivable. He could never be. Even then the people were aware that what the Egyptian campaigner was telling them could never be fulfilled. Southerners began to conceive the idea that politics was the game of liars and those who aspire for political positions are self-seekers and cheats.

NUP won the first general election and had the majority of seats in the House of Representatives, the Lower Chamber. There was an Upper Chamber the Senate. A responsible self-government was established with the NUP leader, a school teacher by training, Ismail El Azhari, as Prime Minister. A Commission of 5 men; 3 Sudanese, 1 Egyptian and 1 Pakistani was selected to assist the Governor General in performing the functions of a Head of State. Sayed Ismail El Azhari, as from then referred to, formed his government from his party with two southerners who joined the party as ministers without portfolios, to advise him on issues regarding the south. That was to fulfil the part of the provisional constitution, which stated that there should be at least two southerners in the government. The ministers were afterwards assigned ministries created to fit them: animal and natural resources. In implementing the Sudanisation scheme (replacing colonial officials and officers by Sudanese), the following were southern share:

- **Administration:** four posts of Assistant District Commissioners
- **Police:** a few junior police officers trained by the colonial administration to catch up with the move towards independence.
- **SDF:** about six southern non-commissioned officers elevated to the ranks of officers. At the time there were about three southerners who just completed their training and commissioned officers at the Sudan Military College. None of those was in the south in August 1955.
The unpreparedness of the south for independence caused the influx of northern officials to the south to fill the posts being vacated by the departing colonial officials and officers. That to the southerners seemed the start of another colonial rule, the white race being replaced by a brown one. It soured the political atmosphere in the south and aroused anti-northern sentiments. When the move to take a company of the Equatoria Corps to the north was uncovered, it ignited a serious crisis, the revolt of some units of the Equatoria Corps, 18 August in their headquarters. It spread to the rest of the town and the other towns in the province except Juba, which was secured by northern troops flown in by the British Royal Air Force.

The rebellion was quickly put down as Juba town was already secured. The Governor General intervened. He appealed to the men of Equatorial Corps to lay down their arms and allow the northern troops into the south to come to assist to restore order. He promised that justice would be done. The mainly illiterate southern troops could not understand what was meant by that justice. Their belief in the British as honest people, made them agree to lay down their arms. The Governor General didn’t stay to implement his promise. He went on leave to the United Kingdom, never to return to the Sudan. Southern Sudanese were left at the mercy of the northern dominated inexperienced government and their troops, who were embittered by the brutal actions of some of the men of Equatoria Corps against northern Sudanese in the south.

On 31 December 1955 the Parliament voted for the independence of the country. Southern members were persuaded to vote for independence and told by their northern colleagues that federation would be given full consideration after independence. “Full consideration” meant to the then under educated southern members of parliament that federation (home rule) for the south would be given. They voted for independence with the hope that the standing political problem would be solved politically in the Parliament. The Sudan declared independence practically unilaterally on 1 January 1956. Only a junior British official was sent to pull down the Union Jack and take it home to Britain.
3. Post-independence

The services of the Egyptian and Pakistani members of the Governor General’s Commission were terminated before independence. At independence, January 1956 two other Sudanese were added to the Commission to maintain the number 5. Collectively they formed the Head of State and Commander-in-Chief of the Armed Forces, referred to as the Supreme Commission. There were 2 from NUP 2 from Umma Party and 1 Southerner. The Cabinet remained the same under Sayed Ismail El Azhari the Prime Minister who declared the Sudan independent.

a. Civil Administration

The pattern of administration changed considerably with independence. The decentralised colonial administration of indirect rule, with provincial Governors responsible in their provinces and only answerable to the Governor General, was disrupted and confused. Clashes were frequent between provincial headquarters and the ministries in regard to issuing directives to and receiving reports from heads of departments in the provinces. The administration was systematically centralised.

b. The Armed Forces

The SDF was re-organised and renamed the Sudanese Army. The Corps became Commands. As a consequence of the revolt of Equatoria Corps, the southern military district was disbanded. The sub-units of Equatoria Corps stationed at Wau and Malakal that did not participate in the rebellion were transferred and distributed into the northern military districts. A Northern Command was subsequently created to replace the Equatoria Corps and was given the colours of the latter, Red over Green. Shendi a town in northern Sudan was selected as the headquarters of the new Command. Khartoum Garrison was created and stationed in Khartoum South, a location known as Shejarat Gordun (Gordon’s Tree). It was to fill the gap left by the British and Egyptian occupation forces that were pulled out of the country at
independence. When air and naval forces were added, they formed the Sudanese Armed Forces.

As there was no longer a southern military district, northern Commands were required to send battalions to garrison the south, and relieve them every two years with Juba as the regional headquarters. Central and Eastern Commands rotated their battalions in Western and Eastern Equatoria respectively. Western Command rotated its battalions in Bahr el Ghazal and Northern Command rotated its battalions in Upper Nile. The Artillery regiment in northern Sudan, the signals, engineers, the service regiment and the medical directorate in the capital city sent detachments to the south as required by the regional headquarters. Torit became a sub-headquarters in Eastern Equatoria and Meridi another one in Western Equatoria. Wau and Malakal remained sub-headquarters. Southerners began to view the presence of northern troops in the south with dismay. They looked at the force as an occupation army. This inspired anger and southern nationalism.

Nevertheless calm was restored fully throughout the south following the disturbances of 18 August 1955. Southern Sudan sent her best educated men to the 1958 parliament. Some young men were pulled out of the secondary schools then the highest institution of learning in the south to stand for parliament to fight for the southern case. That parliament was to be the Constituent Assembly to draw up a permanent constitution for the country. That was not to be. The constitutional progress was disrupted.

The Umma Party won the majority seats in parliament at that second general election. Its Secretary General, Abdallah Bey Khelil, became Prime Minister. At its first session, a southern member rose up and asked, “When will the federal system of rule promised to southern members at the first parliament be effected?” A leading government member, Mohamed Ahmed Mahgoub answered: “Federation has been fully considered and found impractical in the Sudan”. That was a bomb-shell in the ears of the southerners in the parliament. It echoed throughout the south as a major
disappointment. Even then, southern members struggled on in parliament and took their ideas to the other peoples in northern Sudan who were equally marginalised. When that call gained ground in Western Sudan as well as in Eastern Sudan, the then leader of the opposition, Ismail El Azhari was reported to pay attention to it. With an impending vote of censure, the Prime Minister decided to invite the army commander, Ibrahim Pasha Abboud, to take over power. Parliament was dissolved and the members dispersed, derailing constitutional progress.

4. Exacerbation of the Conflict

The military regime pursued southern members of the dissolved parliament in their villages arresting those who continued to talk politics. The word federation was not to be heard of. Anyone talking about it was considered to be preaching discord. He or she was to be arrested. In December 1960 some of the southern members of the dissolved parliament started to escape into the neighbouring countries. Undoubtedly, some of them had the intention to continue the struggle outside the country. I was then in Lotome a military post in the East Bank, Equatoria Province. The politicians were followed by the remnants of the men of the disbanded Equatoria Corps, as they returned from serving prison terms in northern towns. In 1962 The Missionary Act was promulgated and eviction of the foreign missionaries from the south followed. The same year Friday was declared the day of rest in southern Sudan, replacing Sunday. That decision provoked student protests throughout the south. Demonstrations and strikes followed. Subsequently, a large student population went after their politicians into exile in the neighbouring countries. They resented the cancellation of Sunday as a day of worship and rest.

As mentioned earlier, the decentralised pattern of administration established by the colonial powers had been disrupted and systematically phased out and administration was centralised. The brown skin riverain northerners became visibly and increasingly in control in all sectors of state institutions throughout the country. They obviously replaced the departed white colonial officials. The fears entertained
in the south were confirmed. In that year 1962, the southern politicians in exile created disturbances along the southern borders with the neighbouring countries to remind the junta that they were there to start south-north war if the repression continued.

5. My Defection

In May 1963 I was chosen to attend a further training in military law in the United Kingdom. Before going I was sent on leave. I arrived in Juba to find a tense political atmosphere. Schools were closed. Rumours of preparations for war by southern politicians in exile were spreading. People were gossiping in every corner of the town. In Nimule, I found home not what it was before. At our homestead, I found only my old parents. My younger brothers were not to be seen. They participated in the student protests and left home. They went into exile in neighbouring Uganda and followed the politicians in exile with their age group. After a week, one of them William sneaked in accompanied by a relative. They brought a letter from the President of Sudan African National Union (SANU). The letter appealed to my emotion and requested me to leave the Sudanese army to join the movement to help raise a liberation army to challenge the Sudanese army. According to their words, the Sudanese army had become an instrument of repression in the south. “We know that they treat you well and we are aware of your brilliant future in that army. But what does it mean to you when they look down on your people and treat them as slaves?” they argued. At the time going to the UK for a course was an elevation to a higher social status. Indeed it was next to going to heaven. I dropped that and responded to the call of the politicians whom I considered my lawful elected leaders, much more than the junta who themselves were mutineers. I decided, and it was not easy to do so. I defected from the Sudanese army and crossed the border by dawn, 4 June 1963 and joined the politicians in exile. On arrival to Kampala, I was assigned the task of establishing the military wing of the movement. That I did. I started regrouping men of the former Equatoria Corps who followed the politicians in exile or camped in the jungles of the
south. I retrained those still physically fit and eager to serve and used them to train younger men. We transferred know-how from the old to the young, southern youth and school boys who decided to join hands with their politicians in exile. Out of that effort emerged a southern guerrilla army which was named Anya-nya, a name to express determination and the will to succeed some day.

6. The D day, 19 September 1963

The Anya-nya started action against the forces of the junta as from 19 September 1963. The force developed progressively into an effective guerrilla army. Its actions aroused and triggered a popular uprising against the junta in Khartoum and subsequently the junta relinquished power, October 1964. An interim government was formed with an educator, Sayed Sirr El Katim El Khalifa as Prime Minister. That was followed by a general election and a return to parliamentary democracy as was the case before the involvement of the military. The Umma Party won the majority of seats in the parliament and its parliamentary leader Mohamed Ahmed Mahgoub became the Prime Minister. Sayed Ismail El Azhari, leader of the second party in the coalition was made Chairman of the Council of State. The provisional constitution was amended to give him that position. Even then, the north was not prepared for a political solution of the standing problem, despite pretence in doing so: calls for constitutional and round table conferences and the like were simply deception. The civilian government under Mohamed Ahmed Mahgoub believed in a military solution. Widespread massacres of civilian population occurred during that administration. The administration escalated the bloodshed and showed determination to crush the southern separatist movement, as our movement was then referred to by northern belligerents. They didn’t succeed in crushing us.

7. A Second Army Take-over

A group of military officers modeled on the Egyptian, ‘Free officers movement’ prodded by the Communists, seized power on 25 May 1969. They overthrew and
silenced the arrogant Prime Minister. Nonetheless, they interrupted the progress of a parliamentary democracy the second time. First they appeared more aggressive then their predecessors, but after suffering an internal schism and bloodshed they sought peace with the southern movement in order to survive. That led to the Addis Ababa peace process and finally peace agreement, March 1972. Their type of change was not a real change as in the process of metamorphosis, from a caterpillar to a butterfly, but a deceptive one like that of a snake, shedding the old rough skin to leave a new smooth skin, which gradually becomes rough again. That was typical of the leadership of the May regime. Whereas I thought things have really changed in the Sudan and began flying about innocently as a butterfly, my co-signatory to the Addis Ababa Agreement as a snake, began to go rough again, starting noticeably as from 1980 and clearly apparent by 1983.

The absorbed forces (former Anya-nya) then part of the Sudanese army, alongside their southern populace watched the developments with concern. An alarm was sounded when units of the absorbed forces, till then deployed in the south separately, were alerted of the intention to transfer them to the north. They resisted that move. They knew that was part of a scheme to scatter them and render them politically ineffective and finally phase them out of the army, to return the military situation in the south to what it was before the Addis Ababa peace accord. In the course of effecting the transfer, hostility erupted in Bor Garrison, when force was applied foolishly on the hesitant Battalion 105 of the absorbed forces. They were to be transferred to Shendi in northern Sudan. Hostility spread to the adjacent units of the absorbed forces in Upper Nile. The forces regrouped to form a new liberation army, the Sudan People’s Liberation Army (SPLA) and thereafter, its political wing Sudan People's Liberation Movement (SPLM) was established. As with the Anya-nya, SPLA actions frustrated the May regime increasingly. SPLA/SPLM with their radio aroused the general population against the waning May regime and finally agitated an uprising, similar to that which overthrew the first military junta. The system collapsed on 6 April 1985.
8. Second Interim Government

Again, an interim administration was set up. This time it was an alliance of the military and civilians, the officers who spearheaded the move to side with the mob to overthrow the May regime and the civilian technocrats victimised by the system and released from prisons. The coalition was instituted as follows:

A Military Council (Collective Head of State) chaired by the rejected regime’s Defence Minister, General Abdelrahman Swarraddahab.

And the mainly civilian Cabinet, with Dr. Juzuli Dafallah, one of those released from the prison as Prime Minister.

Both the Chairman of the Military Council and Prime Minister sent messages to the SPLM/SPLA leader requesting a cease-fire and suggested consideration to end the conflict through a peaceful resolution, since the despot had been removed from power. The SPLM/SPLA leader rejected the message of the Chairman of the Council and branded him and his Council as May II, the continuation of the May regime because they were the same team of the General Staff that served under the ousted President. However, he took note of the Prime Minister's message with a measure of interest and replied to him. There was no need for the Military Council to be there in the first place. Colonel John Garang could have found it difficult to evade a peaceful settlement, if the interim government was entirely civilian as was the previous one. The conflict continued. May II, as the SPLM/A leader called them, continued to prosecute the war.

The coalition nonetheless kept their commitment, organised free democratic elections and handed power to an elected government, a point they were respected for thereafter. No single party had a commanding majority to form a party government. A coalition of three paries, the Umma Party, the Democratic Unionist Party (DUP) and the National Islamic Front (NIF) with their strengths in the Parliament in that order was formed. As in the previous case, the leading man in the
The Umma Party, Sayed Sadiq El Mahdi, became the Prime Minister. Southerners in the parliament allied to the Umma Party were included in the government and one of them in the Council of State. Chairmanship of the Council of State, went to the DUP. The DUP leader, Sayed Mohamed Osman El Mirghani appointed his younger brother, Ahmed El Mirghani to take the post. Attempts were made to come to terms with the Southern based movement to resolve the conflict, more evidently by the DUP leader, when he met Colonel Garang in Addis Ababa. The Prime Minister indicated reluctance as credit for such a move would go to the initiator. The NIF, then in opposition went underground and worked to upset the situation. It pushed its adherents among the officers of the armed forces to stage a coup d’etat, which took place on 30 June 1989, the third military take-over.

At first the NIF ideologues remained out of the new administration for deceptive reasons. In fact, its leaders were also taken to the prison with those of the other political groups. When the junta was firmly in power, the ideologues emerged tactically taking over key offices, one after the other. They pledged to work for peace and end the conflict they inherited peacefully. To that effect they made several attempts. But realising who they were, the other side couldn’t believe them. The conflict dragged on, now amounting to 20 calendar years since it re-erupted on 16 May 1983. The south-north conflict, intermittently, off and on persisted. It changed forms and increased strengths and spread to engulf large areas in the geographical north where people feel equally embittered and marginalised as southerners.

What is the way out? My answer is a return to the parliamentary democracy, since its derailment provoked the escalation of hostilities.

III. Deductions

From the historical survey, it is evident that the military have been invited or prodded by politicians or ideologues to advance their selfish aims. The military on their own have not initiated any coups d’etat. Nevertheless, those politicians and ideologues
did not reach their objectives. Each time they suffered at the hands of their supposed military stooges who turned on them. They paid for their miscalculations, albeit the amount varied in the three situations. Let us put aside the use of the barrel of the gun for getting to political office. It is disastrously expensive. Let us strive for a sustainable peace in our country, and thereafter use the ballot box as the way to political power. It is the right way. There is now hope for democracy to flourish in the Sudan after all these bitter experiences.

I advise a return to Parliamentary Democracy the way we started on 1 January 1956, following a formal signing of a peace agreement. Twice we have returned to the system after removing undemocratic regimes. It is the pattern our country emerged with as an independent state. If you are born black, you cannot change your colour of skin to white, or think you are green, because the black colour is stigmatised with slavery.

I noted the concerns expressed over the issue of inclusivity in the IGAD process following a briefing on the Memorandum of understanding (MOU) after the third session of the IGAD peace process, Machakos III. That was during a meeting of the Steering Committee of the newly formed Inter-Sudanese Consultation on Peace and Justice (ISCOP) of which I am a member. The meeting took place in Addis Ababa, 30 November to 2 December 2002. Representatives from other constituencies, not part of the IGAD process, expressed concerns that they should not have to wait until an agreement had been reached for them to contribute to the peace process and new constitutional arrangement.

That made me to think of a peace scheme for the Sudan after conclusion of a peace agreement, *God willing*. And to throw open the scheme to the general public in an open letter for their perusal and consideration with the hope that the scheme will influence discussions at the forthcoming session in Machakos, 15 January 2003.
I do not want to remain reticent over this crucial issue. I have to raise my voice and speak out, and put on record what I have in mind, with the hope that it will help resolve the standing issue amicably and alleviate the fears of those whose parties are not participating at the IGAD peace process. This move is aimed in attaining national consensus in planning the interim arrangements. In pondering the matter, I have reflected on my previous experiences in the peace process that ended the first conflict, March 1972.

IV. Recommendation

I suggest the interim period agreed upon at Machakos I, be split into two phases:

- Cooling period of two years (24 months)
- Decisive period of four years (96 months)

1. Cooling Period

At the national level, I advise the exploration of all possibilities to advance the march towards nation building. As such I welcomed the Machakos protocol concluded between the Government of Sudan (GOS) and the Sudan People’s Liberation Movement (SPLM) in the first round of talks, which I referred to as a good beginning that needs to be encouraged. I wish to continue in that mood and build on the need for a cooling period. A period for tempers to cool and wounds to heal, a time of atonement, restitution, reconciliation and forgiveness. People who differed politically and worked against each other in the past should be encouraged to close the gaps that divided them and come to work together. In pursuance of this notion the various political parties should be encouraged to resolve their internal differences and close gaps with rival parties in order to promote national cohesion and reconciliation.
After wide consultations a 5-man Head of State Commission is to be selected as we started in 1956, with the Chair rotating monthly. In this case the members are to be drawn from or on a geographical basis rather than from political parties. The North should be allocated 3 seats. 1 for the riverain north and the remaining 2 seats allocated to the east and the west respectively. The other remaining 2 seats should then go to the South, to be filled by candidates from the pastoral peoples of the riverain plains and the sedentary cultivators of the equatorial crescent. Hit the snake with the nearest rod, President Beshir and Colonel Garang are ready members in view of their current leading positions: incumbent President of Sudan and Chairman SPLM/A, the main parties to the conflict. They will each represent the areas from which they come, the central north and the riverain plains of the south. The other three are to be selected from the remaining areas of the Sudan following wide consultations.

Following the selection of the Council of State, is the consideration of a national cabinet of about 15 portfolios. These are to be filled by candidates equitably drawn around the country, at least one from each of the 9 Provinces of the Sudan as their borders stood on 1 January 1956. Five other candidates are to be selected from among recognised political parties. Preference will be given to those who served in high office in previous administrations, including the current one. The aim is for the nation to benefit from their experiences during the interim period. The number of the ministers including the Prime Minister and Minister for Cabinet Affairs should be about 15. The Prime Minister will have the right to choose the Minister of Cabinet Affairs because the role of that Minister is to perform administrative functions on the directives of the Prime Minister.

I maintain the view that the post of Prime Minister goes to Sayed Sadiq El Mahdi, the Umma Party leader or someone recommended by him for the same reasons I stated in my advisory letter dated 21 August 2002, reproduced as annex A. This is in addition to the fact the Umma Party obtained the largest number of seats in successive democratic elections since independence. It is undoubtedly clear that the
Umma is the strongest party in the Sudan until proved otherwise. Also Sayed Sadiq El Mahdi of late has been more reconciliatory than any other northern leader, admitting the fact that the south has been wronged by the north, and has a case. The other man in my view is Dr. Mansour Khalid. He is one northerner who proved truly patriotic in the sight of southerners and stood with them consistently over the years in their just struggle, sacrificing his comfort and bearing insults hurled at him by his fellow northerners. It is appropriate to note and acknowledge the goodwill shown by these northern statesmen. The Sudan needs such people in responsible positions at this crucial period.

The other five cabinet seats are to be filled as follows:

1. A representative from the Umma Party.
2. A representative from the Democratic Unionist Party.
3. A representative from the Union of African Parties.
4. A representative from the National Islamic Front.
5. A representative from the Sudan Communist Party.

These five representatives are suggested in the manner that covers the Sudanese political spectrum, ideological and regional with a view to attaining national cohesion and consensus, which the Sudan needs during the interim period that will follow a Peace Agreement at Machakos by the grace of God. The factor of experience has also been considered. The five representatives are to fill the next senior cabinet posts after that of the Prime Minister, commonly referred to as Ministries of Sovereignty. These are:

1. Foreign Affairs,
2. Defence,
3. Finance,
4. Interior,
5. Education.
At the regional level, in the south, the self-government Act 1972 is to be revisited and revised on the pattern of the amendment I submitted to the former President Gaafar Mohamed Nimeiri around March-April 1983 before the outbreak of the ongoing conflict on 16 May 1983. The proposal is to retain the three provinces there as their borders stood at independence as semi-autonomous under a ‘Common Southern Authority’, The High Executive Council (HEC) in line with the authentic Addis Ababa Agreement incorporated in the 1973 Constitution as the Southern Region Self-Government Act, 1972. I presume that is what the ongoing government has adopted, in the move to regroup the Southern provinces that they subdivided into ten states to come under one Southern Authority. I consider that a move to the right direction. It is consistent with the idea to devolve power to the provinces. I perceive it is a way to reduce friction among crowded politicians at the centre in a centralised administration, and a way to take services to the people in their localities nearer home. I attach the memo as annex B

In the North, the 1980 Regional Government Act is to be adopted for the six Provinces as their borders stood at Independence. Each one of those is to be directly subject to the national government. All appointments in the first phase of the interim period shall be by consultation and consensus as there will be no time to conduct elections.

Ladies and gentlemen, there are nonetheless new issues that have emerged during the ongoing conflict, the problems of the peoples of the Nuba Mountains, the Ingessena Hills and Abyei. My views on those remain the same as in my advisory letter mentioned earlier.

Security Arrangement

I recommend that the Sudan be divided into defence zones during the interim period with territorial units of the army, the basic element of the armed forces. The south is to be as a single zone just as was the case when it was a single military district during
the colonial rule. This time the three southern provinces should be military districts equal in strength.

2. Decisive Period

Both national and regional patterns of government shall remain the same. The office bearers at the decisive period will take positions on the recommendation of the people. At the close of the cooling period, there should be a general election to elect:

1. A national assembly with two chambers: a lower chamber, the House of Representatives and the upper chamber the Senate.
2. The southern regional assembly.
3. The six northern regional assemblies.

The authorities in the South, and at the centre, which will conduct the referendum in the south, will have been brought to power by the choice of the people.

I would invite the IGAD negotiators, the concerned citizens, the mediators and all those who wish the Sudan well, to look at my peace scheme. I think it is appropriate as an interim arrangement that will enable us achieve a sustainable peace and attract all citizens to aspire voluntarily to maintain the unity of the country.

I have tried to maintain consistency with views I expressed earlier over devolution of power to the regions, decentralisation in the South and a return to the system of parliamentary democracy for the Sudan.

Fellow Sudanese, in planning the interim arrangement, inclusivity should be the objective. No political party, region or social group should feel ignored. The spirit of forgiveness and reconciliation should prevail. There should be wide consultation. This is to ensure that the move is not taken as another change in favour of definite
groups, but a new revolution involving all political groups in the country. The aim is to bring about the desired peace, national cohesion and stability.

If this peace scheme is adopted, I am convinced, the Sudan will pass through the interim period smoothly. I visualise, since all the regions will be fairly represented in the central administration, the South as self-governing, at the end of the interim period, I believe the people in the South will vote for the status quo to be preserved. That is endorsing the interim arrangement to become permanent. This will satisfy the wishes of those Sudanese, who want to retain the unity of the country.

May God Almighty give us the necessary wisdom and guidance to decide appropriately at this crucial period in the history of our country?

Signed:

Lt. Gen. (Retd.) Joseph Lagu
Former Vice-President of Sudan
Fraternal greetings,

I thought it opportune to write an additional letter further to my long second letter amended and dated, 22 July 2002 to keep pace with the changing situation. I am delighted by the encouraging peace talks currently taking place, as I write, in Machakos, Kenya.

I am prodded by the notion that reconciliation is vital for further moves towards the attainment of a measure of coherence in our societies in matters of politics: local, regional or nationwide. We need to explore all possibilities to advance this march towards coherence and nation building.

First and foremost, I welcome the Machakos protocol concluded between the Government of Sudan (GOS) and the Sudan People’s Liberation Movement (SPLM) in the first round of talks at the Kenyan town that bears the name. It was a good beginning, which needs to be encouraged.

Dear compatriots, let us ignore the Egyptian disposition. It is motivated by their colonial attitude to hold us Sudanese back from advancement. I hope the second round of talks will end amicably with the signing of a peace accord through the guidance of God Almighty. To be followed by announcement by the respective authorities of the parties to the conflict of the awaited comprehensive cease-fire to bring the desired peace yearned for by our dear people. Peace that is to come to stay and not a prolonged cease-fire as it was the case with the previous one, the Addis Ababa Agreement. We have been in the dark. That was the cause of our recurrent civil wars. The Lord God Almighty saw our miseries and had compassion on us.
Consequently, He commanded: “Let there be Light and there was Light”. Subsequently, a sigh of relief covered the whole basins of the Great Nile Rivers. Our entire people in the basins of these Great Life Sustaining Rivers are thrilled, myself as well. I have been moved. That made me to recall some verses I wrote and put in a Christian melody (verse 1) two years ago, which goes as follows:

1. There is power, power,
   wonder working power;
   in the blood of the Lamb.
There is power, power,
wonder working power;
in the precious blood of the Lamb.

2. There is hope, hope,
   hope for better life;
in the valleys of the Niles.
There is hope, hope,
hope for better life;
in the broader valleys of the Niles.

3. There’ll be light, light,
ever shining light;
high in our skies.
There’ll be light, light,
ever shining light;
it shall hold quite high in our skies

4. There’ll be peace, peace,
ever enduring peace;
in the lands of the Niles.
There’ll be peace, peace,
ever enduring peace;
in the troubled lands of the Niles.

5 There’ll be peace, peace,
ever enduring peace;
in the hills of the South.
There’ll be peace, peace,
ever enduring peace;
in the wider plains of the South.

**Fellow patriots**, the borders issue should not retard the progress of the peace talks. The borders between the south and the north are clear, as they stood on independence, 1 January 1956. Issues relating to the other peoples who suffered injustices and fought in the civil war alongside southerners should be tackled separately. As for the Abyei issue, I advise that what had been agreed upon in the Addis Ababa Peace Agreement of March 1972, is to be revisited and implemented. The Nuba Mountains and the Southern Blue Nile (Ingesena Hills), present different situations. These are to be dealt with separately. I advise that each one of these units is to be granted self-governing status and each one of them to come directly under the central authority (Union Government) during the interim period. Subsequently, they should be empowered separately to reserve the right of self-determination whereby in the future they could, if they wish to, opt to go with the south, choose to remain with the north as self-governing units or even vote to become independent states. There are examples of such tiny states in Africa and the world encircled within other states.

In the ensuing period, I propose to have the six years of the interim period split into two:

(a) Cooling period of two years (24 months) and a
(b) decision period for the remaining four years (96 months).
The Cooling period

This is the period for tempers to cool after the long devastating civil war. It will be time for wounds inflicted to heal and damages incurred to be corrected and repaired. It is the period of atonement and reparation, reconciliation and forgiveness. In this period, people who differed politically and worked against each other in the past are to be encouraged to close the gaps that divided them and brought to work together for the common good of the Sudan. I have in mind the incumbent President and the former Prime Minister. I suggest that the government or governments in this phase to be formed after wide consultation exercises, involving the survey of wide political shades of opinions, regional and national throughout the Sudan. This will necessitate a south-south dialogue parallel to a similar one in the north to culminate at a PanSudan dialogue to attain the necessary consensus in each region and the required results in the Sudan as a whole. If asked what next? My answer will be: “Invite the incumbent President, General Omar el Beshir and the former Prime Minister, Sayed Sadiq el Mahdi, to participate in the first phase of the interim union government as a practical demonstration of the advancement of the desired national reconciliation. This will show to General Beshir that what is happening is not a coup d’etate by another group against him and his group, but a new revolution in process that includes him and his group. It will carry to Sayed Sadiq el Mahdi the message that the nation remembered the interruption to his administration and offers him another chance as a compensation.” Following that, I would recommend the assignment of General Beshir to represent the riverain north in the council of state and Sayed Sadiq el Mahdi, to resume the responsibilities of an Executive Prime Minister as specified in The Interim arrangement, page 12 in the open letter.

The Decisive period

As for the second phase of the interim period, I advise that a general election be held at the close of the 24 months, so that the decisive period is experienced under the rule of elected authorities or governments. The procedure of the elections and
appointments will be also as specified in the interim arrangement in the open letter referred to above. The four years will be the period of wide range discussions, debates, brainstorming and decision making throughout the Sudan. This will be the era of persuasions and convictions. Southerners will decide to opt for a separate state of their own or choose voluntarily to remain in the union with the north, which may mean adoption of the interim arrangement to become permanent.

I long to see such debates take place in a truly democratic atmosphere. I stand and long for that in the Sudan.

May God Almighty help us to reach that destination.

Your fellow patriot,

Joseph Lagu
Lt. Gen. (Retd.)
Former Vice-President of Sudan
Annex B

The Memo on Decentralisation

Dear President leader,

Blessings and good greetings from God.

In accordance to May Revolution principle of participation of citizens effectively in the government of their country, and supervision thereof, in accordance to the decentralised system;

After perusal of Article 6 of the constitution which provide for the administration of the Democratic Republic of the Sudan on the decentralisation system in accordance to what is specified by law, and Article 6 thereof which provide for the division of the Democratic Republic of the Sudan, with a view to achieve popular participation in the government, and apply decentralization which shall be specified by law;

After perusal of section 16 and 19 of the Regional Self-Government of the Southern Provinces Act, 1972;

After taking notice of the Republican order No. 436, 1982 for the appointment of a Vice-President for the High Executive Council and Regional Ministers in the Southern Region;

I beg to submit to Your Excellency the following proposals concerning a new frame work for the system of government in the Southern Region, which does not prejudice the present constitutional status, but only facilitates the working of the system in a way that would secure the fuller implementation of its functions and the ideal achievement of its objectives.
The proposed system, in my view, is an appropriate solution to the issue which excited the current political and constitutional debates in the South; for it constitutes a balance between maintaining the present set up of Regional Government in the Southern Region, based, as it is upon a unified, centralized Regional government for the whole Region, and granting the different parts of the Southern Region a semi-regional and simplified administration, emanating from the Regional Government at Juba and subject to the High Executive Council.

Thus it would be possible to satisfy the need for a centralized power regarding the general functions of Regional Government while satisfying and assuming government over a limited local sector of the South, this will facilitate the efficient management of local affairs and promote immediate initiatives and means in the face of the specific needs of the sub-region. This sub-regional authority would also present the will of local people who would interact with it through response and control.

The popular basis of each sector shall be limited and much simpler in comparison with the complicated social set-up of the whole South that had engendered serious tribal and personal conflicts. The administration in the secondary capital of the South would thus be liberated from these tensions.

Giving effect to these advantageous factors will not sacrifice the important factor of unity signified and represented by the High Executive Council, as a higher authority assuming the functions of general supervision and co-ordination.

Characters of the proposed set-up

The proposed framework is characterized by the following:-

1. There shall be established in each of the areas of Bahr el Ghazal, Equatoria and Upper Nile a branch regional executive organ to be known as the "Sub Regional
Executive Council (SREC)" each with three members: a Vice-President of High Executive Council and two other members of sub-regional minister's status to be appointed by the President of the Republic. The regional executive council shall be presided by the Vice-President of the High Executive Council. For this purpose, there shall be two vice-presidents of the High Executive Council at the initial stage instead of one. One to preside over the sub-regional executive council in Bahr el Ghazal and the other to preside over the sub-regional executive council in Upper Nile. As for the sub-regional executive organ in Equatoria, the President of high Executive Council shall assume the presidency as the incumbent President of HEC is from there. In the second stage, there shall be three vice-presidents, one in each sub-region.

2. One of the two ministers who are members of the sub-regional executive council of each sub-region, shall be charged with services including education, health and housing. The other shall be charged with economics affairs: finance, taxation, production and development.

3. The President of the SREC shall be concerned with good administration of the sub-region, security and public service therein. He shall assume the presidency of the SREC subject to the directives of the HEC of the Southern Region at Juba.

4. The adoption of the proposed executive set-up hardly results in any additional financial obligation. For the total of the ministerial posts would still be approximately the same with the incumbent HEC. This can be achieved by effecting the following amendments:

i) Cancellation of the following posts:

a) The post occupied by the Vice-President of the High Executive Council at Juba:
The two Vice-presidents will replace him; each at a sub-capital and to deputise for the President of the HEC in absence of the latter in turn.

b) Legal Affairs:

Each sub-administration will be left to oversee its legal affairs under the supervision of its president, and central legal affairs shall be vested on the President of HEC;

c) Finance:

This is a function which has to be transferred to the sub-regional administration to secure effectiveness in carrying out their respective functions; otherwise they would be superfluous, wielding little real power under a higher financial authority;

d) Decentralised Government Affairs:

These are affairs obviously operating to the nearest sub-administration.

e) Housing and public Utilities:

These are services of local nature closer to local interests.

ii) Reamalgamation of the following ministerial functions in the High Executive Council in order to underline planning and co-ordination, leaving the details to the sub-regional administration:

a) Ministry of education and Guidance, on one side, and Health and Social Welfare on the other, to be one Ministry to be known as the Ministry of Education, Health and Social Welfare similar to what is in practice in the Northern Regions.

b) Ministry of the Protection of Wildlife and Tourism, on one side, and Culture and Information on the other to be one Ministry to be known as the Ministry of
Information and Tourism. There are precedents for this even in the practice of Central Government of the Republic of the Sudan.

c) Ministry of Co-ordination shall be encompassed in the Ministry of Commerce and Supply; and Rural Development in the Ministry of Agriculture and Natural Resources; after the model of the Central Government in Khartoum.

iii) Amendments are to be effected in the functions of some of the Ministries of the High Executive Council in the following manner:


b) Ministers shall occupy the posts of the present advisers of ministerial status with portfolios in the new constituted High Executive Council.

iv) Reconstruction of the incumbent High Executive Council with a lesser number in the light of the foregoing proposals, such as would suit the function of Planning, Co-ordination and higher leadership, as follows:

a) President of the High Executive Council Shall have two capacities as the President of the Executive Organ for the whole South; in another aspect, and as the President of the Executive Organ of Equatoria at the first phase of decentralisation; then the ministries:

b) Ministry of Economic Planning

c) Ministry of Education, Health and Social Welfare;

d) Ministry of Agriculture and Natural Resources;
c) Ministry of Transport and Communications;

e) Ministry of Information and Tourism;

g) Ministry of Public Service and Manpower;

h) Ministry of Commerce, Co-operation and Supply;

i) Ministry of Industry and Mining;

j) Ministry of Co-ordination (in Khartoum);

k) Ministry of High Executive Council Affairs;

l) Ministry of Regional People's Assembly.

5. The status of the Regional People's Assembly shall remain as it is with all its functions and method of election. In addition, I propose that out of the Regional People's Assembly, be drawn up a consultative council, whose function shall be to conduct debates, submit proposals and recommendations to the sub-regional executive council. The Consultative Council shall not be granted legislative powers and the Regional People's Assembly at Juba, shall retain the right over the whole executive organ, the HEC and the SRECs in the sub-capitals.

Conclusion:

The proposed set-up in the South shall then be:

The HEC: The President, plus eleven ministers as indicated in the list above.
The Sub-Regional Executive Councils: One Vice-President and two sub-regional ministers for each of the three sub-regional executive councils as shown below.

Vice-President of the HEC and President of the SREC at Wau.
Responsible for Administration, Security and Public Service in Bahr el Ghazal.
Plus Two Ministers:
Minister for Services
Minister for Planning and Finance.

Vice-President of the HEC and President of the SREC at Juba.
Responsible for Administration, Security and Public Service in Equatoria.
Plus Two Ministers:
Minister for Services
Minister for Planning and Finance.

Vice-President of the HEC and President of the SREC at Malakal.
Responsible for Administration, Security and Public Service in Upper Nile.
Plus Two Ministers:
Minister for Services
Minister for Planning and Finance.

Consultative Council:

To be constituted out of the respective members of the Regional People's Assembly representing each Sub-Region, as a Consultative Assembly to the Sub-Regional Executive Council, to provide counsel and submit recommendations to the Sub-Regional Executive Council, but in no way to assume a legislative power.

Joseph Lagu
Vice-President
VII. Paper Submitted but not Distributed

Paper 11

Elements of a Framework for Post-Conflict Recovery and Reconstruction of Southern Sudan: Programming priority areas of areas for quick impact

By

Dr Lual A. Deng

Commerce and manufactures can seldom flourish long in any state which does not enjoy a regular administration of justice, in which the people do not feel themselves secure in the possession of their property, in which the faith of contracts is not supported by law, and in which the authority of the state is not supposed to be regularly employed in enforcing the payment of debts from all those who are able to pay. Commerce and manufactures, in short, can seldom flourish in any state in which there is not a certain degree of confidence in the justice of government.

--Adam Smith, The Wealth of Nations\textsuperscript{21}

I. Introduction

I was requested by the ISCOP Secretariat to prepare a paper on “Identify priorities for the six-month pre-interim period: implications for financial and human resources.” However, after a serious reflection on the proposed title of the paper, especially in the light of recent Sudan coordination meeting held in Noordjwok, the Netherlands, it became clear to me that my contribution would not add value to the deliberations of the meeting. I therefore took the liberty of modifying the subject of my paper as by
way of contributing toward the quest for just and sustainable peace in the Sudan. I would do this by taking a holistic view of the challenges of the post-conflict recovery and reconstruction of Southern Sudan.

In fact, the two principal parties to the Sudanese conflict – the Sudan People’s Liberation Movement (SPLM) and the Government of Sudan (GOS) have already identified priority areas for the pre-interim period and have subsequently established a Joint Planning Mechanism (JPM), which would act as a coordination and information sharing vehicle. The JPM would in turn enable donors to assist the Sudanese stakeholders in the articulation, funding, implementation and monitoring of quick start/impact programs/projects (see Annex A to this paper, the agreement between the SPLM and GOS on JPM).

The point of departure of the paper is to agree with the recent finding of the World Bank development policy research that the root cause of civil war is the failure of economic development (2003). This finding, which is based on robust empirical evidence, has provided the basis for stating the underlying premise of this paper to be that the failure of economic development is a result of weak institutions. The evidence of the failure of economic development is articulated by the fact that Sudan has been at war with itself twice now since independence in 1956. The challenge then is how to break the conflict trap Sudan has found itself in. This would, in my view, require strategic approach to programming priority areas for quick impact. This strategic approach would be in the form of a framework for post-conflict recovery and reconstruction. Appropriate identification of the priority areas for the six-month pre-interim period through accountable mechanisms would be necessary, though not sufficient for a sustained post-conflict economic recovery.

Understanding some of the root causes of the failure of economic development in Southern Sudan would enable the framers of the framework for post-conflict

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recovery and reconstruction to identify the most appropriate steps on the roadmap of transition from war to sustained peace. I like the concept of roadmap for it gives us a point of departure (i.e. the date of the signing of a comprehensive peace agreement, which marks the beginning of the pre-interim period) and a final destination (i.e. the end of the interim period on the date in which the referendum on self-determination is conducted) in the challenging journey of transforming old Sudan into New Sudan during the interim period. What are then some of the root causes of the failure of economic development underlying the two civil wars and associated conflict trap in Bilad Al Sudan? A recent discourse within the development economics community has concluded that differential in the levels of income could be explained by three determinants of economic development advanced by three groups of scholars.

The first determinant of economic development is advanced by two notable scholars – Jared Diamond (1997) and Jeffrey Sachs (2001). It views geography as the key “determinant of climate, endowment of natural resources, disease burden, transport costs, and diffusion of knowledge and technology from more advanced areas” (Rodrik et al, 2002:3). The second group is led by Jeffrey Frankel and David Romer (1999) and attributes the determinant of economic development to the role of international trade. This group gives market integration a leading role in fostering economic convergence between rich and poor regions of the world (Rodrik, 2002). The third determinant of economic development is associated with institutions. This third group is led by one of the 1993 Nobel Laureates in economics – Douglass C. North on his work on economic and institutional change.

The relevance of the discourse to the Sudanese situation is that all the three determinants mentioned above -- geography, integration and institutions -- are essentially inter-related and to the extend that would guide us in explaining the failure or lack of economic development, which has in turn resulted in two civil wars in Sudan. For example, the area of Southern Sudan is 648,000 km², which is

Pervasive poverty is one of the key symptoms of the failure or lack of economic development and not synonymous with it (i.e. poverty is not synonymous with lack of economic development).
approximately equal to that of Nigeria, and is endowed with fertile agricultural land, livestock, forests, fisheries, water, wildlife and minerals, including fossil oil and gold. Most of these resources are yet to be tapped and utilized for the economic well-being of the Sudanese people, though oil production is now at about 250,000 barrels/day. Geography would therefore not satisfactorily explain the failure of economic development in Southern Sudan in the light of its natural resource endowments. Nevertheless, other could argue that the vastness of the geographic area of Southern Sudan has created enormous obstacles to economic development efforts, especially with respect to transport costs.

Let us then look at integration as an explanatory variable for the lack of economic development in Southern Sudan. The key to economic integration of a land lock region like Southern Sudan is infrastructure, especially an efficient roads network. Southern Sudan with a land area of 648,000 km$^2$ does not, for instance, have a single kilometer of paved road other than inside the three garrison towns of Juba, Malakal and Wau (Deng et al, 2003). The inability of successive governments of Sudan in Khartoum to develop the physical infrastructure of Southern Sudan has essentially undermined integration of the regional economy into the national one. There was, however, some improvement at the end of the first civil war (1955 – 1972), when under the Addis Abba agreement a limited authority was given to the regional government in Juba to establish appropriate institutions for developing a network of physical infrastructure. This led to the construction of a road network of more than 2,500 kilometers (km) of gravel-surfaced roads connecting Juba to Wau (840 km) in Bahr el Ghazal, Juba to Malakal (728 Km) in Upper Nile and to countries bordering Southern Sudan (Deng et al, 2003). A journey backward toward history of Southern Sudan would show that the first decade (1972- 1982) of post-Addis Ababa Agreement has been, so far, the golden decade of development in this part of the country. But these efforts at infrastructure development were not sufficient to improve the general living conditions of ordinary Southern Sudanese people, hence the eruption of the second civil war on 16th May 1983.
I would therefore argue that the inability to fully utilize natural resource endowments is inherent in institutional failure, which has in turn led to lack of development. Hence, one of the root causes of the crisis of state and identity in the Sudan is failure of economic development, which is reinforced by religion and ethnicity. The rest of the paper is guided by this premise and is organized into two sections: II) is the main body of the paper and it highlights the key elements of a framework for post-conflict recovery and reconstruction; and III) provides concluding remarks.

II. Key Elements of A Framework For Post-conflict Recovery and Reconstruction

I have identified three key elements of a framework for post-conflict recovery and reconstruction of Southern Sudan. They are a) institutional reform and capacity development; b) policies and guidelines; c) and priority program for quick impact. These elements should be seen as constituting a continuum of actions for the realization of the objectives of sustainable development that is anchored on human dignity-enhancing economic growth, capacity enhancement, institutional development, community empowerment and social inclusion, durable peace, and participatory governance. The elements are identified in the context of the second civil war (1983 – present) in the country that has been more devastating than the first one as evidenced by a terrible toll of 2 million dead, by more than 4.0 million people displaced internally, most of them to the north and externally to neighboring countries and by a collapsed physical, social and economic infrastructures. Each of the three key elements is briefly discussed below.
A. Institutional Reform and Capacity Development

I would like to have a common understanding on the concept of institution at the beginning of the discussion of this element. Institution is used in this paper as defined by John R. Commons to be the “working rules of collective action in restraint, liberation, and expansion of individual action” (1990:73). Vernon Ruttan and Yujiro Hayami (1984) also define institutions as “rules and conventions of society that facilitate coordination among people regarding their behavior”\(^{23}\). And the World Bank defines institutions as “rules, enforcement mechanisms, and organizations” (2002:6). With this understanding of what is meant by institution, I would then think the key task for the pre-interim period is how to reform the SPLM’s institutions of resistance to that of participatory governance, so that they are responsive to the challenges of peace and re-building in the post-conflict environment.

A functioning government in Southern Sudan would ensure smooth transition from war to peace. The basic structure of institutions of governance (e.g. liberation councils at all levels of government) have been put in place by the SPLM, but they would require to be operationalized (Deng, 2002). The three conventional branches – legislature, judiciary and executive – of government will have to be established at the three levels of government -- Southern Sudan Entity, Region and County. The SPLM is at the final stage of holding its National Congress, after recently completing the holding of the regional congresses. The SPLM institutional arrangement is presented in table 1 below. The liberation councils would urgently need to be prepared for transition from legislating for the liberation struggle to that of peace environment with focus on making laws and ensuring that the executive councils are accountable to the legislature.

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\(^{23}\) Quoted from Daniel Bromley (1989:22).
Table 1: A Policy Matrix of Institutional Arrangement

<table>
<thead>
<tr>
<th>Unit/level of Governance</th>
<th>Political Structure</th>
<th>Suffrage Structure</th>
<th>Legislative Structure</th>
<th>Administrative Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Boma</td>
<td>SPLM</td>
<td>BC (18 years +)</td>
<td>BLC (11)</td>
<td>BEC</td>
</tr>
<tr>
<td>2. Payam</td>
<td>SPLM</td>
<td>PC (600 delegates)</td>
<td>PLC (31)</td>
<td>PEC</td>
</tr>
<tr>
<td>3. County</td>
<td>SPLM</td>
<td>CC (1,800 delegates)</td>
<td>CLC (51)</td>
<td>CEC</td>
</tr>
<tr>
<td>4. Region</td>
<td>SPLM</td>
<td>RC (2,400 delegates)</td>
<td>RLC (100)</td>
<td>REC</td>
</tr>
<tr>
<td>5. National</td>
<td>SPLM</td>
<td>NC (3,000 delegates)</td>
<td>NLC (350)</td>
<td>NEC</td>
</tr>
</tbody>
</table>


The institutional arrangement shown above together with the proposed system of administration of justice (i.e. judiciary and associated rule of law enforcement agencies/organs) would demand the establishment of an efficient cabinet supported by a core of public service with competent technical skills. In this regard, capacity development and /or enhancement would be required at all levels of government.

At the cabinet (executive) level, capacity would be enhanced to:

- Make decisions;
- Transform strategies, policies and institutions of resistance to those of participatory governance;
Establish transparent budget and procurement systems and procedures;
Provide leadership;
Formulate policies; and
Take responsibility within a collegial public policy-making environment.

At the technical level, capacity would be developed to:

- Formulate strategies based on policies formulated by the cabinet;
- Design programs/projects;
- Implement policy directives, projects/programs that have been approved for implementation;
- Provide quality support/services to the policy-makers;
- Monitor and evaluate programs, projects and policies;
- Prepare administrative budget for each government institution and level of government;
- Develop plan for key deliverables and initiate development budget in each of the following areas a) physical infrastructure, b) rehabilitation of basic services, c) economic revitalization, and IDP reintegration;
- Manage budgets and financial resources, follow procurement procedures;
- Respect human rights and ensure administration of justice; and
- Mobilize full complement of civil service staff.

The human resource requirements for a minimum structure of functioning levels of government would need careful analysis. I would therefore not venture to provide the possible size of the public service in the initial phases of the post-conflict recovery and reconstruction. However, I would venture to provide a budget estimate for the running of the emerging civil administration at the level of Southern Entity and associated lower levels of government up to the Boma. The total budget estimate for running (or the so-called chapter I) transitional governments of Southern Sudan
during the pre-interim period is likely to be between $90 million and $120 million. This should then be the budget constraint for the future Government of Southern Sudan (GOSS) within which it will have to perform its basic functions.

B. Policies and Guidelines

This is not a trivial element. I would argue that policies and guidelines constitute the institutional environment within which institutions of governance in Southern Sudan would not only be efficient but also effective of what they do. By institutional environment, we mean a “set of fundamental political, social and legal ground rules that govern economic and political activity (rules governing elections, property rights, and the rights of contract are examples of these ground rules)” (Bromley, 1989:22). These fundamental ground rules would guide programming priority areas for quick impact.

Here the focus would be to prepare policies and guidelines for the priority areas identified by the SPLM. But areas in which policies and guidelines would be needed are:

1) Repatriation, resettlement, reintegration and reconciliation;
2) Rehabilitation and maintenance of infrastructure;
3) Food security and revitalization of agriculture sector;
4) Social services;
5) Public service and human resource development

These figures are based on the IMF recommendations (February 2003) to the wealth sharing team at the IGAD Peace Process. The IMF staff recommended a minimum percentage of 0.6% of Sudan’s 2003 projected Gross Domestic Product (GDP) or $90 m to be transferred to GOSS to establish Southern Sudan transitional governments during the pre-interim period. I have raised the figure to 0.8% of GDP or $120 m on the argument that the level of the recurrent expenditure would be larger during the pre-interim period due to purchase of vehicles, office furniture, equipment, supplies, rehabilitation/renovation of buildings, de-mobilization and so forth.
C. Priority Areas for Quick Impact

This is the third and last key element of the framework, which consists of the five priority areas in which improvements in the quality of living conditions could be realized quickly. These are given below.

1. Activities under repatriation, resettlement, reintegration and reconciliation would focus on:

- Transport assistance for returning IDPs/refugees
- Shelter and construction materials
- Community reconciliation and counseling of traumatized families/individuals
- Family tracing.
- Reintegration into productive economic activities

2. Activities under rehabilitation and maintenance of infrastructure would focus on:

- Rehabilitation and maintenance of roads network totalling 2,254 kilometers of gravel-surfaced all weather roads
- Mine clearance
- Rehabilitation of Wau – Aweil-Babanousa railway link
- Rehabilitation of navigation services a 1,436 km long Juba-Malakal-Kosti river transport
- Reconstruction of postal services in all the County headquarters
- Installation of VSAT-based telecommunications through a public-private sector partnership25
- Re-installation of public utilities in all the major towns
- Restoration of water sanitation facilities

25 VSAT stands for a Very Small Aperture Terminal
3. Activities under food security and revitalization of agriculture sector would focus on:

- Seeds and tools distribution
- Targeted food distribution
- Micro-credit
- Livestock and veterinary services
- Fisheries
- Storage and marketing

4. Activities under social services would center on:

- Rehabilitation and construction of schools and health care facilities
- HIV/AIDS awareness
- Provision of basic health care services
- Installation of distance learning facilities

5. Activities under public service and human resource development would focus on:

- Assess staff requirements for each level and institution of government
- Establish criteria and process for hiring and orientation program
- Design salary structure for civil service
- Recruit and train staff

The financial implication of the five priority areas for quick impact is difficult to estimate at this point. The SPLM has established transition teams that are currently working on cost estimates of the post-conflict recovery and reconstruction program. One could however provide preliminary estimates of the cost of 2,250 km network of primary roads that would be needed for the repatriation of IDPs and refugees. Based
on the World Bank’s average cost of about $120,000 per a kilometer of gravel-surfaced road in East Africa, we could say that the cost of primary roads without the cost of bridges and mine clearance would $270 m in current dollars. This implies that the cost of 5,000 km of primary roads to be rehabilitated during the first two years of the interim period would be about $600 m without the cost of bridges and secondary roads.

III. Concluding Remark

This paper has attempted to highlight the importance of understanding the root causes of conflict in the Sudan, so as to formulate strategies for the post-conflict recovery and reconstruction that would ensure that a third civil does not erupt. Sudan is currently in a conflict trap because of the failure of the development project. I have argued that the underlying cause of the failure of the development in the Sudan is weak institutions. Hence, the paper calls for a holistic framework for post-conflict recovery and reconstruction to consist of three key elements – a) institutional reform and capacity development; b) institutional arrangement in the form of policies and guidelines; and c) priority areas for quick impact.
Selected References


