

**Multi-donor evaluation of support to conflict
prevention and peacebuilding activity in Southern
Sudan since 2005**

ANNEX 9

Fault Lines in CPA: Three Areas

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Section One: Introduction

1. The Three Areas of Abyei, Southern Kordofan and Blue Nile witnessed a great share of violence and were among the most affected areas during the 1983–2005 civil war in Sudan. The people of Abyei, Nuba Mountains (Southern Kordofan) and southern Blue Nile State fought alongside the Sudan People’s Liberation Movement/Army (SPLM/A) for the ambitious vision of a unified, democratic ‘New Sudan’.¹ When the Comprehensive Peace Agreement (CPA) was signed in 2005, the status of these Areas became a bargaining chip for the parties, deferring the final standing of the Areas through the establishment of separate protocols for Abyei (Chapter IV) and for Southern Kordofan and Blue Nile (Chapter V).² The permanent resolution of their status had to be postponed not only due to the disputed nature of the 1956 North-South dividing line, but also due to the deeply rooted and unresolved ethnic, religious and economic problems characterising the Areas.
2. Although all Three Areas faced similar challenges at the time when the CPA was signed, their current state is markedly different. Nevertheless, all Three Areas witness precarious peace, and the lack of progress in the implementation of the CPA provisions has resulted in a number of outstanding issues that ought to be solved in the lead up to Southern Sudan’s referendum in 2011. Firstly, the status of all Three Areas is affected by the delays in border demarcation that is especially urgent in Abyei and Southern Kordofan. Secondly, the frail peace in the region is threatened by ongoing tensions and clashes among the local communities over land issues, migratory routes and grazing rights. Thirdly, due to the delays in establishing effective local authorities, the CPA provisions have failed to materialise in terms of reconstruction, development and peace dividends; creating tensions and remaining a key cause of concern. Finally, many important steps still need to be taken in preparation for the upcoming referendum in Abyei and the popular consultations in Southern Kordofan and Blue Nile, which will determine the post-2011 status of the Areas.
3. Although it is widely recognised that the Three Areas are critical to the CPA, until 2008 they were seriously neglected by the international community, largely because attention had been drawn to the South and Darfur.³ The international engagement in Three Areas started too late and the international community initially failed to effectively coordinate its efforts, which undermined progress in terms of CPA implementation as well as local reconstruction and development. However, the donor involvement in the Three Areas has increased after the 2008 violent clashes in Abyei, and the Three Areas have enjoyed a sustained level of attention by the donors through the Three Areas Steering Group. At the same time, the impact of the international community has been influenced by the lacking presence of effective local authorities, limited access to the Areas, and the expulsion of NGOs from the country in 2009.

¹ Marina, P (2010) Blue Nile, Nuba Mountains and Abyei: Three Areas in Transition, in Heinrich Böll Foundation (eds) (2010) *Sudan - No Easy Ways Ahead*, Vol 18, Heinrich Böll Foundation:Berlin

² International Crisis Group (ICG) (2008) *Sudan's Southern Kordofan Problem: the Next Darfur?* Africa Report No 145, International Crisis Group:Brussels, 21 October 2008

³ Vaux, T, S Pantuliano and S Srinivasan (2008) *Stability and Development in the Three Areas*, Report for the Steering Group (Draft), DFID:London

4. Hence, the Three Areas have remained potential hotbeds of conflict throughout the entire CPA period, and even more so now in the lead up to the referendum. Nevertheless, several interviewed government officials stated that if tension in the Areas escalates into conflicts, these will be of localised nature only. In contrast, various analysts such as Sara Pantuliano instead believe that local conflict in the Three Areas, and most notably in Abyei and Southern Kordofan, could also have wider repercussions. In any case, should the North and the South launch a new war against each other, it is likely that the Three Areas will become the main battle ground and will be the most affected.⁴ The existing dissatisfaction among the local population caused by a lack of progress in terms of development and security will make the population in these Areas more vulnerable to mobilisation by either side in such a country-wide war.
5. Given the significance of the Three Areas to peace and stability in Sudan, this chapter provides an overview of the contextual developments in the Areas in the 2005–2010 CPA period, and discusses the key outstanding issues that need to be urgently resolved. Furthermore, the role of the international community in the CPA period is assessed based on interviews conducted in Khartoum as well as existing reports regarding developments on the ground. The chapter closes by providing key findings and recommendations for the local, national and international engagement in the Three Areas in the lead up to and post-2011 periods.

1.1. Methodology

6. The conflict analysis carried out during the preliminary phase of the evaluation underscores the importance of understanding the struggle for conflict prevention and peacebuilding in Southern Sudan within a broader national context. In light of this, team 6 ensured that a ‘view from the North’ encompassed some of the broader aid and political issues not covered elsewhere, and the potential impact these may have on peace in Southern Sudan, in particular oil issues and the Three Areas.

General Methods

7. The team spent 10 days in Khartoum and interviewed donor officials, UN agency representatives, government officials and other experts. The interviews were not intended to evaluate individual projects or programmes with regards to oil issues and the Three Areas, but rather to use them to develop a wider understanding of the way these macro-level issues have affected peacebuilding and conflict prevention in Southern Sudan. Given the fact that oil issues and the Three Areas were not covered in the preliminary phase of the evaluation, and that only limited resources were available to undertake this research, focus was given on overall contextual analysis.

Methods Used

- **Interviews** with relevant reference persons in Khartoum, i.e. with government officials, donors, and NGOs. A list of interviewees is provided. Most of the interviews were arranged by the Dutch Embassy in Khartoum based on its estimation

⁴ Marina, P (2010) op. cit.

of who was useful to be interviewed regarding the issues at hand. Please note that some of the interviewees from the NGO sector wished to remain anonymous for security reasons, and therefore have not been included in the list that is provided.

- **Review of relevant literature and documentation**
- **Triangulation of information** obtained from all sources
- **Discussions and information exchange** with other teams.

Questions to Stakeholders

8. Questions were developed on the basis of the reporting template and the Evaluation Matrix, as follows:

Three Areas

- (1) In what way does this issue create or perpetuate fault lines in the CPA, and how has this changed over time? Although we know that this has been a major area of contention in N/S negotiations, are there other areas (local) at which conflict is manifested?
 - (2) How have donors responded to these challenges? What contributions (national and local) have they made towards mitigating conflict? Is this an area that the international community should have had greater involvement? What might have been overlooked?
9. **Evidence:** Evidence was gathered from a mix of semi-structured individual interviews and literature research.

Limitations

10. Time constraints: The team could spend only ten days in Khartoum, seven of which were interview days. The situation was made more complicated by the ash cloud incident, due to which one of the evaluators, Harry Haen, could not immediately travel to Sudan and thus missed half of the interviews. Moreover, due to the time constraints, the team had neither the opportunity to visit the Three Areas, nor get a detailed picture of the impact/implementation of all projects. However, given the macro-level focus of the study, this was considered to be an acceptable limitation.
11. Scope of the interviews: Due to a limited time period in Sudan, it was unrealistic to expect that the team could conduct interviews of some 15 donors as well as non-DAC donors, government officials, UN representatives and NGOs⁵ regarding three subjects: oil, Three Areas and overall donor strategies towards the South. Moreover, because of the nature of Khartoum – a big and busy city, which is difficult to get around – it was only possible to conduct four interviews a day.

⁵ As described in the ToR, the main donor programmes to be assessed are those of the Netherlands, Belgium, Canada, Denmark, Germany, Norway, the Government of Southern Sudan, Sweden, United Kingdom and USA. Multilateral bodies are also included in the steering mechanism for the evaluation, and could be broadly considered as donors: the European Commission, World Bank and UN agencies (UNHCR, UNICEF, UNOCHA, UNV, WFP). The role of UNMIS, namely to coordinate the implementation of the CPA, will be an important focus. Important non-DAC donors were also part of the assessment, such as China, India, Malaysia, Japan and the Arab League

12. Elections: Team 6 visited Khartoum at the time of elections. This meant that government officials were busy and available only to a limited extent. Advance arrangements with government officials are often not possible and even within a 10 day field visit some key individuals could have been missed.
13. Time spent with the interviewees: Even though the interviews were arranged based on the experience and judgment of the Dutch Embassy, the team could only spend one or two hours with each of the interviewees. Such arrangement made it difficult to get a full picture and in-depth analysis of all the issues. This was especially true with regard to the Asian donors, who tend to be very polite and diplomatic in their answers, thus revealing very little details on policy and intentions. Moreover, some of the interviewees have not been involved in these particular issues right from the time when the CPA was signed in 2005, but got engaged later and therefore did not have sufficient understanding of developments from the start.

1.2. Background: CPA Protocols

14. The CPA grants all Three Areas a special status, albeit with a significant difference between Abyei on one hand (CPA Chapter IV), and Southern Kordofan and Blue Nile on the other hand (Chapter V). Abyei received a significantly different status due to the historic developments in the Area. According to the Addis Ababa Agreement from 1972, “areas that were culturally and geographically a part of the Southern complex” had to be given a right to decide if they wanted to join the Southern region in a referendum.⁶ The people of Abyei, who attempted to have a referendum, were denied this right, which was a basis for granting Abyei a special status in the CPA. This Area was also highly contested because of the strong ethnic divisions, which also contributed to the decision that Abyei will be handled in a separate chapter of the CPA. Arguably however, Abyei’s concentration of oil wealth also played a role in this arrangement.⁷
15. In order to determine the geographic boundaries of Abyei, the CPA sets provisions for the establishment of the Abyei Boundaries Commission (ABC),⁸ which was to delimit and demarcate the area defined as “the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905.”⁹ During the Interim Period, the CPA also accords Abyei a special administrative status directly under the Presidency, by which citizens of Abyei are considered citizens of both Southern Kordofan/Nuba Mountains and Bahr al Ghazal, with representation in legislature of both States.¹⁰ At the end of the CPA period, a referendum shall take place in Abyei, by which people will determine whether Abyei retains a separate administrative status within the North or becomes part of Bahr al Ghazal. The CPA defines those eligible to vote as the members of the Ngok Dinka community as well as other Sudanese residing in the Area.¹¹ The exact criteria of

⁶ Johnson, D (2007) The Abyei Protocol Demystified, *Sudan Tribune*, December 11, 2007

⁷ Johnson, D (2008) Why Abyei Matters: The Breaking Point of Sudan’s Comprehensive Peace Agreement, *African Affairs* 107, no. 426 (2008) pp1-19

⁸ *The Comprehensive Peace Agreement Between The Government of the Republic of the Sudan and the Sudan People’s Liberation Movement/Sudan People’s Liberation Army*, 2004, <http://www.aec-sudan.org/docs/cpa/cpa-en.pdf> Ch. IV: 5.

⁹ Ibid. Ch. IV: 1.1.

¹⁰ Ibid. Ch. IV: 6.2.

¹¹ Ibid. Ch. IV: 6.1.

residence are to be determined by the Abyei Referendum Commission.¹² The CPA also sets provisions for the revenues from oil produced in the Area to be shared according to the following distribution key: 50% with the national government, 42% with the Government of Southern Sudan (GoSS) and 2% with Bahr al Ghazal Region, Western Kordofan; and locally with Ngok Dinka and Misseriya people.¹³ It also establishes the Abyei Resettlement, Construction and Development Fund to handle repatriation, resettlement, rehabilitation, reintegration and reconstruction programmes in Abyei.¹⁴

16. Unlike Abyei, Southern Kordofan and Blue Nile were not given the right to conduct referenda, but received a considerable degree of autonomy in the North. The CPA pre-election arrangements stipulate that the offices of Governor and Deputy Governor are to be rotated between the two parties to the agreement, and that the executive and legislative bodies are to be divided between the National Congress Party (NCP) and the SPLM at 55% and 45% respectively until the State governments are democratically elected.¹⁵ Furthermore the CPA stipulates that the population in Southern Kordofan/Nuba Mountains and Blue Nile States is entitled to popular consultations (“a democratic right and mechanism to ascertain the views of the people on the comprehensive agreement”).¹⁶ In recognition of the deep impact that the two decades of civil war have had on these two Areas, and realising that the resolution of the existing local issues is a prerequisite for lasting peace, the parties to the CPA further agreed to make the protection of human rights and the development of human resources and infrastructure the main goal for both of the States. The CPA therefore stipulates that Southern Kordofan and Blue Nile are to be the principal recipients of funding from the National Reconstruction and Development Fund.¹⁷ The two States are also entitled to their respective shares of the National Wealth and particularly to 2% of the oil produced in the respective State, as per CPA’s Wealth Sharing Agreement.¹⁸ The CPA also sets provisions for the establishment of the State Land Commission, which is to mitigate community tensions between the different groups by settling the land and natural resource related issues.¹⁹
17. In respect to all Three Areas, the CPA institutionalises the North-South Border Committee, which is mandated to demarcate the 1/1/1956 border between the North and the South. This demarcation is envisioned not only to establish the exact border between the North and the South and therefore the southern boundaries of the Three Areas, but it will also have an effect on issues such as security arrangements, wealth sharing and population census.

¹² Ibid. Ch. IV: 8.

¹³ Ibid. Ch. IV: 3.1.

¹⁴ Ibid. Ch. IV: 3.3.

¹⁵ Ibid. Ch. V: 11.1.

¹⁶ Ibid. Ch. V: 3.

¹⁷ Ibid. Ch. V: 8.5.

¹⁸ Ibid. Ch. V: 8.3.

¹⁹ Ibid. Ch. V: 9.

Section Two: Key Issues 2005–2010

2.1. North-South Border Demarcation

18. Until now the demarcation of approximately 80% of the North-South border has been agreed upon as a number of disputed hotspots affecting the status of all Three Areas remain unresolved.²⁰ The demarcation is especially relevant in regards to the oil revenues. Southern Kordofan has considerable oil reserves that make it a valuable asset for both the North and the South, and the failure to demarcate the exact boundary in this Area leads to tensions as to which part of Sudan these oil reserves will belong after secession. Although the majority of the Block 2 oil fields are currently located in Southern Kordofan in the North, the Southerners hold that the real border is even more to the North, which would make the Block 2 oil wells, including the most productive Heglig oil field, part of Southern Unity State. Due to the lack of progress in border demarcation, this situation has not been resolved, and Heglig is still part of the North only. As a result, the GoSS is not receiving 50% of the Heglig revenues.²¹
19. The border areas have had a mixed security record. On one hand, the withdrawal of Sudan Armed Forces (SAF) and SPLM forces from the northern side of the border has been mostly completed and Joint Integrated Units (JIUs) have been installed instead, although they hardly function as a unified team.²² On the other hand, this did not prevent the 2008 violent clashes in Abyei and the 2009 political turmoil in western part of Southern Kordofan. Everyone, including the parties to the CPA, recognises that the non-demarcation of the 1/1/1956 boundary could escalate into a major conflict should the South opt for secession.²³ The North with its oil police and the proximity of SAF, including former JIUs, is well placed to become a major spoiler.²⁴

2.2. Abyei

Boundary Demarcation

20. Besides the North-South border, the issue of Abyei Area boundary demarcation also remains unresolved. The Presidency did not accept the findings of the ABC, which decided that all Block 2 oil wells would be part of Abyei, and the matter had to be forwarded to the Permanent Court of Arbitration (PCA).²⁵ On July 22, 2009, the PCA presented its final award, which defined Abyei as a considerably smaller territory than the one determined by the ABC.²⁶ Hence the Block 2 Heglig and Bamboo oil fields

²⁰ Sudan Tribune (2010a) *Sudan says 80% of North-South border demarcation complete*, May 5, 2010; Birnbaum, B (2010) Sudan prepares for likely secession, *The Washington Times*, July 13, 2010; Masunda, D (2010) Africa's largest country faces split, *The Zimbabwean*, July 11, 2010

²¹ Woodrow Wilson International Centre (2008) *Implementing Sudan's Comprehensive Peace Agreement: Prospects and Challenges*, Woodrow Wilson International Center for Scholars: Africa Program, May 2008; Johnson, D (2007) op. cit.

²² AEC (Assessment and Evaluation Commission) (2010) *AEC January 2010 Report*, January 2010

²³ *United Nations & Partners 2009 Work Plan for the Sudan* (Khartoum, Sudan: United Nations, 2008)

²⁴ Vaux, T, S Pantuliano and S Srinivasan (2008) op. cit.

²⁵ Bekoe, D, K Campbell and N Howenstein (2005) *Resolving the Boundary Dispute in Sudan's Abyei Region*, Peace Brief, United States Institute of Peace, 10, 2005

²⁶ Martell, P (2009) Sudan relief at border decision, *BBC News*, July 22, 2009. The article also contains a map illustrating the implications of the PCA Award

producing the majority of Sudan's barrels per day²⁷ which the ABC had originally included in the Abyei Area were excluded by the award and are now formally part of Southern Kordofan.²⁸ Currently only part of Block 4 (which overlaps the North-South border) covers the area of Abyei, and only a small number of producing oil fields is actually located therein.

21. Although the PCA decision was accepted by both parties to the Arbitration Agreement,²⁹ only little progress has been made on the physical demarcation of the Abyei Area on the ground. However, it is crucial that this process is executed before the end of the Interim Period.³⁰ In order to facilitate the demarcation process, the national government is supposed to set up a Technical Border Committee and an Oversight Committee. While the former has already been installed, its activities are held back due to the general feelings of insecurity caused by the Misseriya tribes who refused to accept the PCA ruling.³¹

Community Relations

22. The failure to demarcate borders on the ground is not the only source of strife in the Area. The tension between the local Ngok Dinka and Misseriya communities over land access and grazing rights is equally pressing.³² The Abyei Area is predominantly inhabited by the Ngok Dinka tribe, which has close ties to the SPLM/A leadership. However, the Area is also part of the traditional grazing grounds of the nomadic Misseriya Arabs from the North. The Misseriya are pastoralists who move with the seasons from the north western part of Southern Kordofan through Abyei and Nuba Mountains into Bahr-el-Ghazal in South Sudan.³³ Although the PCA recognises the rights of the Misseriya to use these corridors, the Misseriya do not accept the Court's decision and therefore try to prevent the members of the Technical Border Committee from field demarcation of the borders.³⁴
23. The GoSS is willing to allow the Misseriya to graze their cattle in Bahr-el-Ghazal but demands that the Misseriya enter South Sudan unarmed. The South fears that the Misseriya will be used to smuggle weapons to factions in South Sudan that are hostile to the SPLM/A. As this condition is deemed unacceptable by the Misseriya, it remains a great cause for dissatisfaction and unrest. In order to ease the pressure, the international community and notably USAID through its BRIDGE program, but also several NGOs

²⁷ These blocks are operated by the Greater Nile Petroleum Operating Company (GNPOC), the main oil-producing consortium in Sudan consisting of CNPC (40%), Petronas (30%), OLV (25% and Khartoum-run Sudan Petroleum Company (Sudapet) (5%).

²⁸ For an illustrative map, see: "Abyei Map" (Africa-Confidential), http://www.africa-confidential.com/uploads/content/sudan_abyei_map3_COL_08.jpg.

²⁹ Thomas-Jensen, C and M Fick (2009) Abyei: a harbinger for Sudan, *Reuters AlertNet*, July 22, 2009

³⁰ Thomas, E (2010) *Decisions and Deadlines: a critical year for Sudan*, Chatham House report, January 2010, Chatham House:London

³¹ Sudan Tribune (2009a) *Sudan Misseriya community refuse to implement Abyei ruling*, October 6, 2009

³² Sullivan, P J and N Nasrallah (2010) *Improving Natural Resource Management in Sudan: A Strategy for Effective State Building and Conflict Resolution*, Special Report (United States Institute of Peace, June 2010); Sudan Tribune (2009b) *Sudan's SPLM says Abyei oil fields still up for grabs*, July 22, 2009

³³ Johnson, D (2008) op. cit.

³⁴ The Misseriya do not only have a problem with the PCA decision, but they have been opposing the CPA Protocol on Southern Kordofan and Blue Nile altogether, right from the beginning. See: Sudan Tribune (2009a) op. cit. and Pantuliano, S, O Egemi, B Fadlalla, M Farah, M Abdelgadir (2009a) Put out to pasture: War, oil and the decline of Misseriyya Humr pastoralism in Sudan, Humanitarian Policy Group Series, Overseas Development Institute, March 2009

such as SOS Sahel and Concern have constructed water points, which however cannot be viewed as a permanent solution to these communal problems. As a way of a more permanent settlement of these issues, the government has undertaken efforts to persuade the Misseriya to change their lifestyle and settle down permanently, including in the northern part of Abyei. However, given the nature of the Misseriya and the complexity of the situation and historic developments, such solution can only be deemed unrealistic.³⁵

24. The Misseriya themselves are much divided over their position in Abyei and feel deserted by all three stakeholders: the local administration (which is allegedly blocking development projects targeting the Misseriya), the national government (which accepted the PCA decision that strictly regulates grazing rights) and the international community (which is seen as biased toward the Ngok Dinka).³⁶ Even though there were attempts to set up some development projects focused on the improvement of the Misseriya situation, these projects have from a large part failed to materialise. There are various reasons for the limited success of such projects including poor project planning and management, civil strife and insecurity, bureaucracy and low technical skills in government agencies.³⁷ The local dimension of the conflict thus remains strong as the problem of land ownership continues to be ignored. According to one donor official, parties at the national level have shied away from this matter, focusing on the bigger issue at hand: the referendum.³⁸
25. Existing tensions between the two community groups were also manipulated by the SPLM/A and the SAF during the May 2008 clashes that escalated in Abyei as a result of the frustration with the lack of progress in implementing the CPA Protocol on Abyei. More specifically, the recommendations by the ABC had been challenged and the NCP and SPLM/A failed to agree on the civil administration. As a result, neither the Ngok Dinka, nor the Misseriya had seen their 2% share of oil revenues. As the violence broke out, both the Misseriya and the Ngok Dinka were mobilised as proxy fighters of the two main parties, and the clashes resulted in thousands of deaths and more than 60,000 internally displaced people (IDPs).³⁹ Although the parties did reach an accord on June 8, 2008,⁴⁰ agreeing on security and administrative arrangements as well as a temporary boundary, there hasn't been a full and independent investigation of the violations.⁴¹ The 2008 clashes indicate that community relations in Abyei remain not only a potential source of local conflict, but that they could also escalate into a broader, North-South violence.

³⁵ Pantuliano, S et al., (2009a) *ibid.*

³⁶ International Crisis Group (ICG) (2008b) *Sudan's Comprehensive Peace Agreement: beyond the crisis*, Africa Briefing No 50, International Crisis Group:Brussels, March 13, 2008; Pantuliano, S et al., (2009a) *op. cit.*

³⁷ For more detailed explanation, see Pantuliano, S et al., (2009a) *ibid.*; see also, International Crisis Group (ICG) (2007) *Sudan: Breaking the Abyei Deadlock*, Africa Briefing No 47, International Crisis Group, October 12, 2007, International Crisis Group (ICG) (2008a) *op. cit.*; Cook, T (2009) *Losing Hope: Citizen Perceptions of Peace and Reconciliation in the Three Areas*, Washington: National Democratic Institute for International Affairs, March 31, 2009

³⁸ Donor official, Khartoum, Sudan, 18 April 2010

³⁹ Human Rights Watch (2008) *Abandoning Abyei: destruction and displacement*, Human Rights Watch: New York, May 2008

⁴⁰ UNMIS (United Nations Mission in Sudan) (2008a) *The Road Map for Return of IDPs and Implementation of Abyei Protocol* (Khartoum, Sudan, June 8, 2008). This agreement is also referred to as the Abyei Road Map

⁴¹ Human Rights Watch (2008) *op. cit.*

Administration and Capacity Development

26. Although Abyei received special administrative status directly under the Presidency in the Interim Period, its administration has been weak right from the beginning. The inefficiency of the administration has led to a failure to utilise resources to render necessary services, propose development projects and promote security and stability in the area as envisioned by the CPA.⁴² The lack of peace dividends and a high unemployment rate have enhanced the disappointment with the CPA among the local population, particularly the Misseriya.
27. Furthermore, preparations for the 2011 referendum that will determine whether Abyei is part of the North or the South are seriously behind schedule.⁴³ In December 2009, the Sudanese National Assembly adopted the Abyei Referendum Bill which paves the way for the referendum to be held in January 2011, along with the referendum in South Sudan.⁴⁴ However, the establishment of the Abyei Referendum Commission, which will be vital in determining citizenship and voting rights, has not yet been finalised.⁴⁵ Both sides have proposed members, but the decision on which side should be granted the function of the Commission Chair whose vote will have the ultimate power to decide, still has not been taken.
28. The second contentious issue regarding the referendum is related to voter eligibility, as it is not completely clear who will get to vote. In order to settle this issue a census is needed, which, however, has not been held yet. Nevertheless, it is generally accepted that permanent residents have the right to vote. The responsibility to define the exact criteria of residence falls to the Abyei Referendum Commission. Rumours circulating not only among the Ngok Dinka but also within the international community suggest that the NCP is in favour of all Area residents having the right to vote, as it believes that the Misseriya will vote for Sudan's unity.⁴⁶ However, the Misseriya have seen little peace dividends coming from the North and have been pretty vocal about this treatment from their former allies, so NCP's assumption may be premature. Meanwhile, the Misseriya have set up villages in Abyei in order to boost their vote and the Abyei administration has no grip on this. The SPLM is committed to the referendum, but the Ngok Dinka are concerned about the new Misseriya settlements in the north of the Area, and fear the outcome of the referendum if too many Misseriya are eligible to vote. With several party officials being Ngok Dinka, including Luka Biang Deng and Deng Alor, it is not surprising that the SPLM claim all Ngok Dinka can vote (even if they are not the residents of Abyei). This issue has to be resolved before holding the referendum but there are no signs that either party is willing to compromise.

⁴² Although the state does receive revenues from the National Government on a regular basis, it is unclear to donors whether the revenues flow from the oil production, the NRDF or from other sources. A Dutch diplomat explained that although the local states do receive revenues from the central government, it is not clear what sort of revenue is actually being transferred out of the different types of revenue that the local states are entitled to receive according to the CPA. It is thus hard to track whether the oil revenues are adequately shared. A UN official confirmed that the allocated two percent does not reach the local level and that in cases where transfers are taking place, they reach local authorities rather than the local population.

⁴³ Sudan Tribune (2010b) *US says South Sudan referendum running behind schedule*, May 13, 2010

⁴⁴ Dak, J G (2009) Sudan parliament adopts Abyei referendum law amid Messeriya protest, *Sudan Tribune*, December 31, 2009

⁴⁵ Garang, N A (2010) Sudan's SPLM officials and a local leader urge formation of Abyei referendum commission, *Sudan Tribune*, June 21, 2010

⁴⁶ International Crisis Group (ICG) (2007) op. cit.

2.3. Southern Kordofan

Community Relations

29. Southern Kordofan is the most critical of the Three Areas in terms of instability due to its history of ethnic conflict. In its current shape and form as an administrative unit, Southern Kordofan is a product of the CPA, which joined part of what since 1994 had been Western Kordofan with the former South Kordofan. The integration of the two parts exacerbated the existing ethnic tensions.⁴⁷ Especially the Nuba Mountains, with their patched tribal structure, have become the most contentious region of Southern Kordofan. The Mountains are home to subsistence farmers of the Nuba tribe, who share a history of oppression from slave raids in the 19th century to the *jihad* that was declared against them during the civil war by the government of President Omar al-Bashir.⁴⁸ Having to face such circumstances, the Nuba joined the side of the SPLM/A during the civil war. However, as the CPA gave them no political option to join the South in case of secession, there was a widespread feeling among the Nuba that they had been used by the SPLM/A as a bargaining chip for them to gain a referendum for Abyei. Hence, the Nuba felt betrayed and abandoned by both their own political leaders and the government as a whole.⁴⁹
30. Because of the history of displacement, the right to land is especially important for the Nuba, who therefore formulate it in exclusive terms. As a consequence, the Nuba are however seen as a threat by the Misseriya who have traditionally occupied Western Kordofan. Some of the SPLM/A-controlled Areas close to the Misseriya have for instance blocked the traditional Misseriya routes through their territories. The community tensions over land have been further exacerbated as more than 600,000 IDPs began to return to the area.⁵⁰ No Land Commission has emerged and despite the fact that a joint government was established at the State level, the administration of the government and SPLM/A-controlled Areas remains separate. Hence, local conflict over land but also water access is constantly ongoing in the Area. Furthermore, Khartoum's Popular Defence Forces (PDF)⁵¹ is reportedly being reorganised in the region on sharp ethnic basis, which only exacerbates the existing tensions. The PDF often arms the Arabs returning to the South through the animal migration routes, which leads the settled tribes to mobilise as well.⁵² The precarious situation leads some to suggest that if the South becomes independent following the 2011 referendum, the Nuba and the Misseriya may well pick up their arms again and renew conflict in Southern Kordofan.

⁴⁷ In the 1980s, Kordofan and Abyei were subject to a new government strategy that combined regular army forces with Arab militias to clear the Ngok Dinka population out of the oil fields and their traditional homes. This strategy was later applied to the Nuba Mountains, refined in the Western Upper Nile oil fields, and transferred to Darfur. See, Johnson, D (2008) op. cit.

⁴⁸ Small Arms Survey (2008) *The drift back to war: Insecurity and militarisation in the Nuba Mountains*, Sudan Issue Brief: Human Security Baseline Assessment (Small Arms Survey, Graduate Institute of International and Development Studies, August 12, 2008)

⁴⁹ International Crisis Group (ICG) (2008a) op. cit.

⁵⁰ Small Arms Survey (2008) op. cit.

⁵¹ The Popular Defence Forces are a division of the Sudanese Armed Forces, which also consists of the Land Force, Air Force and the Navy

⁵² Small Arms Survey (2008) op. cit.

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31. Even though Southern Kordofan has always been the most unstable of the Three Areas, it is also most developed. The Governor and Deputy Governor have recently come to agreement, leading to a more stable political situation.⁵³ Governor Haroun⁵⁴ plays a particularly important role in mitigating local conflict by facilitating reconciliation of the local non-Arab tribes with the Misseriya through the Reconciliation Peaceful Coexistence Mechanism.⁵⁵ The Reconciliation Peaceful Movement is considered a successful initiative also by the donors as it has been able to diffuse tense situations and stimulate the solutions to the underlying problems.⁵⁶ Given its expanding tasks and authority, a fine balance has to be maintained to keep its effectiveness without usurping the authority of the ministries. Another successful initiative in Southern Kordofan is the so called ‘Council of the Wise.’⁵⁷ The Council consists of 120 influential people from the State who represent all parties,⁵⁸ and it has been tasked to deal with four specific issues regarding: land, social peace, sustainable development and popular consultations. The Governor also established a 10 States conference, and holds monthly coordination meetings with the UN, governors, and donors. Hence, there has been some progress made in regards to the implementation of the CPA, and much of the future implementation depends on the level of integration of the Southerners in government structures and the relationship between Juba and Khartoum.
32. Although some positive developments have been noted in Southern Kordofan, two political issues need to be addressed rather urgently in the run-up to the end of the Interim Period. The first is the aftermath of the elections that were held in April 2010. Southern Kordofan only voted for President and National Assembly in the national elections while postponing the gubernatorial and state elections. The NCP and SPLM in Southern Kordofan jointly agreed to re-run the 2008 census based on which constituencies were formed, but which was contested by the SPLM. The elections for State assembly and governor will be conducted first after the census re-count.⁵⁹ Secondly, the popular consultation process, which is to determine the level of autonomy for Southern Kordofan (and Blue Nile), needs to be enacted and implemented. However, the political status of ‘popular consultations’ is rather ambiguous. There is confusion among the general population regarding the exact meaning of the consultations. The fact that many believe that these consultations will have the equivalent effect of a referendum is a potential source of renewed conflict after the end of the Interim Period. In the last year, civic education campaigns have started to be conducted by the donors and NGOs, in order to manage expectations and facilitate consensus-building before the end of the CPA period.

⁵³ Sudan Tribune (2009c) *New South Kordofan governor launches reconciliation initiative*, May 15, 2009

⁵⁴ Although Governor Haroun’s role in mitigating local conflict can be viewed in a positive way, it should also be noted that the Governor has been indicted by the International Criminal Court for helping to organize mass killings and deportations in Darfur. The government of Sudan has not complied with any of the ICC’s arrest warrants

⁵⁵ Temin, J (2009) *Six Important Issues for Sudan and its Future*, USIP Peace Briefing, United States Institute of Peace, September 2009

⁵⁶ Various donor officials, Khartoum, Sudan, 17-28 April 2010

⁵⁷ The Council of the Wise is also referred to as Council of Elders or Council of the Wise Men

⁵⁸ The state consists of two parties and they are both represented in the Council

⁵⁹ Sudan Tribune (2010c) *Sudan to re-conduct census in Southern Kordofan*, May 11, 2010; Marina, P (2010) op. cit.

2.4. Blue Nile

Community Relations

33. Compared to Southern Kordofan, Blue Nile is less prone to ethnic conflict as the population is more homogenous.⁶⁰ The Arabs and the Funj are to a large extent integrated through inter-marriages. Nevertheless, the Funj express growing concerns about the relations with the Arab nomads, who are believed to be crossing farmland without permission while being armed. Unlike in the two already mentioned Areas, the inhabitants of Blue Nile are more confident in the resolution of the problem through traditional, local authorities.⁶¹ Still, the situation could potentially deteriorate because of the access to water sources.
34. The Area contains the Rosaries Dam, which is the main source of Sudan's hydroelectric power generation capacity.⁶² However, many of the Blue Nile residents believe that they are not profiting from the dam because electricity is exported to the North. The ongoing heightening of the dam located in a populated area could potentially lead to migration and starker ethnic divisions as the non-Arab inhabitants could move to the area south of the dam and no longer wish to be part of the North. They might be even willing to take up arms to force the issue. One interviewee suggested that if conflict breaks out, the NCP might give up on southern Blue Nile, and the dam might form a new natural boundary. During his recent visit in Blue Nile, the Sudanese President promised compensation to all those who have been affected by the heightening of the dam and relocation to modern villages by 2011.⁶³

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35. Although the State of Blue Nile is subject to the same CPA provisions as Southern Kordofan, there are considerable differences in local context between the two States. As it lacks productive oil fields, Blue Nile has not been as strategically important to the parties to the CPA. Blue Nile is governed by a strong charismatic Governor, Malik Agar, who managed to successfully cooperate with the government in Khartoum on several issues and thus secured federal funding for various development projects in the State.⁶⁴ Still, compared to Southern Kordofan, Blue Nile lags behind in reconstruction and development. The State has the lowest life expectancy for women in Sudan and HIV/AIDS is of major concern. With little government infrastructure in place, the local government is unable to provide basic services, such as water, sanitation and health care. Moreover, Blue Nile was granted only 6% of its development requirements by the central government.⁶⁵ Additionally, the marginalised southern locality of Kurmuk, which is a home to approximately 250,000 people, is still declared in a state of humanitarian emergency, while access to town is limited due to landmines and general insecurity.⁶⁶

⁶⁰ Ibid.

⁶¹ Cook, T D (2009) op. cit.

⁶² UNDP (2008) *Creating opportunities for Youth Employment in Sudan*, Joint Programme Document: Sudan. UNDP

⁶³ *Joint Weekly Report: The Three Transitional Areas* (UN Sudan Resident Coordinator's Support Office and UNMIS Humanitarian Early Recovery & Reintegration, October 24, 2009)

⁶⁴ Vaux, T et al. (2008) op. cit.; Marina P (2010) op. cit.

⁶⁵ *United Nations & Partners 2009 Work Plan for the Sudan*, Khartoum, Sudan: United Nations, 2008

⁶⁶ Ibid.

However, there has been a substantial amount of cooperation with the international community, and in particular USAID.

36. As in the case of Southern Kordofan, the progress in preparations for the popular consultations is behind the schedule, aggravated by its vagueness and misconceptions. Several initiatives have been launched by the international community in this regard, which should continue to be implemented adequately and relatively quickly.

Section Three: The Role of the International Community 2005 – 2010

37. Although it is widely recognised that the Three Areas are a crucial element of the CPA and a key issue to address in order to achieve long term peace and stability in Sudan, the international community has neglected them because of the focus given to Darfur and the South in general.⁶⁷ While the donors have been generous in supporting humanitarian assistance and development in Sudan since the CPA was signed, the implementation of the pledges on the ground failed to materialise especially in the war affected Areas around Abyei and the North-South border. This is partially due to the inefficient cooperation among government, State authorities and donors.⁶⁸ Although a small number of donors do cooperate with each other on certain projects in the Three Areas, the unity of effort by the international community has been lacking for the most part throughout the Interim Period.
38. This section firstly provides an overview of different strategic objectives and mechanisms that the international community has considered as crucial for the Three Areas after the signing of the CPA, and secondly, assesses the individual donor policies and roles with respect to developments in the Three Areas.

3.1. Strategic Objectives Regarding Three Areas

39. In 2005, the **Joint Assessment Mission (JAM)**⁶⁹ set three immediate strategic priorities to be implemented in the Three Areas: the improvement of livelihoods, income growth and access to basic services through productive investments, the overall improvement of physical infrastructure focusing on North-South connecting road and railway routes, and the formation and development of public information and data gathering systems in order to monitor the initial rehabilitation and recovery activities and improve the planning and implementation of future ones. The 2005 JAM further envisioned that specific administrative/governance institutions in Abyei (including the Legislative and Executive Councils) should be formed, boundaries should be determined, and population should be registered and prepared for the referendum. With regard to Southern Kordofan and Blue Nile, the formation of Parliamentary and Presidential Commissions should have been established in order to reach popular consensus on the application of the CPA and the relationship with the Constitution. JAM also envisioned the establishment of governance, administrative, rule of law and financial mechanisms including the respective Land Commissions, census and elections.
40. The JAM objectives were later complemented by UN Work Plans, issued every year since 2005. The **2005 UN Work Plan** recognised the danger of the failure to produce peace dividends, which could potentially result in the re-emergence of conflict in the Areas. The local conflicts could then spill over to the other Areas, thus endangering the

⁶⁷ Vaux, T et al. (2008) op. cit.

⁶⁸ AEC (Assessment and Evaluation Commission) (2010) op. cit.

⁶⁹ Joint Assessment Mission (JAM) 2005 *The Three Areas Report: Abyei, Southern Kordofan and Blue Nile*, Joint Assessment Mission Sudan, March 18, 2005

fragile peace in the country. In order to prevent such scenarios from taking place, the UN envisioned using multi-agency frameworks such as the Nuba Mountains Programme for Advancing Conflict Transformation,⁷⁰ and cooperating with local and State authorities. In this regard, the UN's objective was to support the rule of law and good governance, including capacity building of civil administration, particularly in the SPLM/A areas. Efficient response to returning IDPs, granting them access to basic services, the restoration of livelihoods, strengthening protection and providing life-saving humanitarian aid were also among UN's 2005 priorities.⁷¹

41. Since 2006, the UN has been placing more emphasis on regional planning, monitoring, and increased government consultation. The **2009 UN Work Plan** takes into consideration the clashes that took place in Abyei in 2008, and therefore prioritises: supporting safe and lasting returns of the IDPs (including the establishment of a primary and feeder road network to support the resettlement of IDPs); supporting government's efforts to decentralise services to the future administrative centres outside of Abyei Town while focusing on health, education, water and sanitation; household livelihoods and marketing protection/rule of law. Other priorities in regards to Abyei include: capacity building of the new administration by offering support on returns, reconstruction and recovery planning, town planning and management, legal advice on property rights and compensation issues, public expenditure/financial management for government funds, and increased access to justice. The 2009 Work Plan also encourages increased community participation in the democratisation process, assisting the JIUs with upholding their responsibility to protect civilians, as well as providing support along the migration corridors.⁷²
42. In Southern Kordofan, the GoSS specifically requested UN's support in a number of priority areas: water and sanitation, education, health and nutrition and food security and livelihoods. These priority areas follow a five year plan that was established by the GoSS, according to which the specific priorities within these broad Areas include: improving peace across Southern Kordofan, improving and enhancing social fabric, post-war rehabilitation, providing basic social services, improving infrastructure and thus achieving comprehensive development, and supporting and improving participation in political processes.⁷³
43. With regard to Blue Nile, the 2009 UN Work Plan prioritises providing life-saving assistance to vulnerable populations, improving infrastructure and access to basic services, promoting civilian protection, supporting peace initiatives and thus emphasising transition towards recovery, improving the management of natural resources, and especially water as well as timber and grassing land so that livelihoods are supported and the risk of conflict is reduced. The Work Plan also emphasises the

⁷⁰ The NMPACT was created in 2001 and became operational in 2002. The UN Work Plan from 2005 mentions it as an already existing framework that it intends to use

⁷¹ *United Nations and Partners 2005 Work Plan for the Sudan* (Khartoum, Sudan: United Nations, 2004)

⁷² *United Nations & Partners 2009 Work Plan for the Sudan*, op. cit.

⁷³ Ibid.

need of the UN and partners to act in a transparent and accountable manner, improving the joint planning with the State government.⁷⁴

3.2. Role of AEC Working Group on Three Areas

44. The CPA also set provisions for the creation of the **Assessment and Evaluation Commission (AEC)** in 2005.⁷⁵ The work of the AEC is financially supported mostly by the governments of the United States and Italy. In addition to national staff, the AEC now has six international experts and offices in both Juba and Khartoum. Recognising the significance of the Three Areas, the AEC set up a Working Group on the Three Areas, chaired by the Netherlands.
45. In terms of political guidance and agenda setting, the AEC's Working Group on Three Areas has taken some important steps, including several monitoring visits to the Three Areas, and it has drawn some formal conclusions by consensus with regard to Abyei and border demarcation. AEC's role was mostly visible in regards to the boundary demarcation dispute that was forwarded to the PCA in The Hague. It was especially after the PCA awarded its final ruling that the AEC put much pressure on both parties to accept it. Also, the AEC has recommended accelerated support for quick impact development projects in war affected Areas and along the border as well as a generous donor support for the organisation of the referendum.⁷⁶ At the same time however the meetings of the Working Group have also lacked effectiveness based on the fact that the two parties have often been sending only low ranking representatives with no decision making powers to the AEC meetings.⁷⁷ On the other hand, it should be noted that the AEC does not have much leverage to implement its recommendations as it is solely a political body that consists of the representatives of the two parties to the CPA agreement as well as those representatives of the international community who were engaged in the CPA negotiations.
46. In its 2010 Report, the AEC recommends full implementation of the PCA award, with the support of the local communities. The report also encourages an effective Abyei Area administration, a safe and secure environment, especially during the time of seasonal migration and timely preparations for the 2011 referendum. With regards to Southern Kordofan and Blue Nile, the AEC recommends increasing the pace of development and the spread of effective government, further improvement of the overall security situation and credible conduct of popular consultations before the end of the Interim Period. Overall, the 2010 report expresses its hope that the priority programs that

⁷⁴ Ibid.

⁷⁵ The AEC consists of the representatives of the GoNU (3 from NCP and 3 from SPLM), representatives of the Inter-Governmental Authority on Development (Kenya and Ethiopia) and representatives of Italy, the Netherlands, Norway, the UK and the USA. The African Union, Arab League, the UN and the EU have observer status. The Commission is assigned with monitoring and supporting the implementation of the CPA and conducting a mid-term evaluation of the unity arrangements established by the CPA. The AEC is structured into working groups that are based on the CPA Protocols, and an executive secretariat. Hence, the four working groups are concerned with: power sharing, wealth sharing, security arrangements and Three Areas (Abyei, Southern Kordofan and Blue Nile). For more information, see: "About the Commission," *Assessment & Evaluation Commission*, <http://www.aec-sudan.org/about.html>.

⁷⁶ AEC (Assessment and Evaluation Commission) (2010) op. cit.

⁷⁷ Various donor officials, Khartoum, Sudan, 17-28 April 2010

seek to defuse community tensions, increase security or deliver tangible benefits in these Areas will be accelerated, and will enable the peace dividends to get to the local people. The stabilisation assistance to these Areas should also be supported.⁷⁸

3.3. Donor Activities

47. The key donors involved in the Three Areas over the last five years have been the USA, the UK, Norway, and the Netherlands as well as a number of UN agencies and international and local NGOs such as PACT, AECOM, United States Institute of Peace (USIP), and Save the Children as implementing partners. The donors have been active in different policy areas and they have provided different types of development aid in the Three Areas.
48. **USAID**'s main focus has traditionally been on conflict mitigation, based on the belief that the Three Areas would be buffer zones should a conflict between the North and the South be renewed. In practical terms, USAID supports reconciliation efforts between the Messeryia and the Ngok Dinka and/or Nuba as well as other communities. This has been fruitful especially in Southern Kordofan where USAID (as well as UNDP) have been supporting the RPCM.⁷⁹ Although the RPCM is not directly funded by the international community, USAID does provide it with particular type of assistance, for instance in the IT realm. USAID has been successful also in supporting projects in Blue Nile through the cooperation with the Governor of Blue Nile. In order to strengthen capacity development in all Three Areas, USAID funds the so called 'BRIDGE' program aimed at Building Responsibility for the Delivery of Government Services. The goal of the program is to act as a bridge "from humanitarian relief managed by international organisations to sustainable development that empowers local government and communities to manage resources and solve their own problems."⁸⁰ Additionally, USAID stresses the need to provide aid and assistance in regards to the upcoming elections in Southern Kordofan, the upcoming referendum in Abyei, and the popular consultations.⁸¹ In cooperation with USIP, USAID has been working with political and civil society leaders in an attempt to define the goals and core principles of the popular consultations. USIP has also developed tables demonstrating an approach to the key issues as identified by the CPA that are used by the governors of Blue Nile and Southern Kordofan in preparation for the popular consultations.⁸² In this regard, USAID's Office of Transition Initiatives also supported the Centre for Humanitarian Dialogue, which sent a delegation consisting of 26 representatives of government and civil society organisations to Indonesia, in order to learn from Indonesian experience with popular consultations in Aceh.⁸³
49. Even though originally the Three Areas were not a priority on the UK's agenda due to its focus on Darfur, **DFID** has eventually used the Sudan Development Fund for conducting

⁷⁸ AEC (Assessment and Evaluation Commission) (2010) op. cit.

⁷⁹ The UNDP has not only been active in establishing the RPCM, but supports it by providing institutional knowledge, setting up work plans and liaising with line ministers

⁸⁰ USAID Sudan BRIDGE Program, USAID, <http://sudanbridge.org/>

⁸¹ USAID (2009) *South Sudan: Post-Conflict Economic Recovery and Growth, An Agenda for USAID Engagement*, (USAID, July 31, 2009

⁸² United States Institute of Peace (2010) *Popular Consultation in Sudan*, United States Institute of Peace, 2010

⁸³ Zelikoff, M (2010) *Sudan: Indonesia Provides Lessons on Popular Consultations*, ReliefWeb, USAID, February 23, 2010

strategic conflict assessment in the Three Areas. It also launched a UNDP programme on Threat and Risk Mapping Analysis, and commissioned NGO conflict impact assessments. DFID also directly encouraged and lobbied for the EC to deploy a conflict advisor in Abyei. Since 2008, the UK has also emphasised the need to encourage peace at the community level. Moreover, DFID has been one of the major initiators of the Three Areas Steering Group (discussed further below). DFID also cooperates with USAID on various projects in the Three Areas. For instance, DFID channels funds to USAID's BRIDGE programme for the implementation of projects in Blue Nile State, and there has been considerable cooperation with USAID's Office for Transition Initiatives Program and PACT as an implementing NGO on community early warning systems, local dissemination of information on the CPA and capacity development.⁸⁴

50. **Norway's** support for the Three Areas has originally been channelled through the Multi-Donor Trust Fund – National (MDTF-N).⁸⁵ As this mechanism proved rather inefficient (explained below), Norway switched its focus to UN agencies and NGOs present in the Three Areas; especially the Norwegian Refugee Council and the UNDP-RAPID programme, which aims at increasing the quality of basic services in Southern Sudan and building the capacity of local communities and organisations.⁸⁶ As the Norwegian Refugee Council was expelled from Sudan, Norway's current efforts in the Three Areas are aimed towards Abyei under the aforementioned UNDP program. Norway's support to capacity development in Abyei is also based on Norway's overarching focus on oil issues in Sudan.⁸⁷ Additionally, the Government of Norway together with the European Commission⁸⁸ fund the Sudan Post-Conflict Community-Based Recovery and Rehabilitation Programme. This programme focuses on three particular areas: capacity building, improving livelihoods and providing basic services. It links 44 NGOs that work together in 10 different locations across the country, including the Three Areas.⁸⁹
51. The Dutch involvement in the Three Areas has traditionally been on a political level, with a particular emphasis towards Abyei. **The Netherlands** was particularly active in persuading the parties to implement the PCA award. Furthermore, together with the DFID, USAID and UNDP, the Netherlands launched a project in 2005 on the Recovery of Abyei Area through the Good Governance and Poverty Reduction. This three year initiative that was officially closed in 2008 focused on three interrelated components: the rule of law, governance and recovery and reintegration in Abyei.⁹⁰ Since the implementation of the Abyei Roadmap in 2008, the Netherlands has been actively supporting the Abyei Police Force, which the Dutch consider crucial for the

⁸⁴ Foster, M, J Bennett, E Brusset, J Kluijckens (2010) *Country Programme Evaluation: Sudan*, DFID Evaluation Department/ITAD

⁸⁵ The MDTF was set up shortly after the CPA was signed in 2005, in order to fund recovery and development projects and ensure early recovery peace dividends. One fund was set up on the national level (MDTF – National) and the other one was specifically tailored for Southern Sudan (MDTF – Southern Sudan). The MDTF-N was established to support the GoNU and specifically focus on reconstruction and development in the Three Areas. Two thirds of the contributions to the MDTF-N were supposed to be paid by the Government of Sudan while one third was supposed to be contributed by the donors. The fund has been managed by the World Bank. For more information, see: Scanteam (2007) *Review of Post-Crisis Multi-Donor Trust Funds: Country Study Annexes*, World Bank and Norad, February 2007; World Bank (2010) *Sudan Multi-Donor Trust Funds: About the MDTFs*

⁸⁶ UNDP (2010a) *Rapid Impact Emergency in Southern Sudan*, UNDP Sudan

⁸⁷ Norwegian Agency for Development Cooperation (NORAD) (2009) *Oil for Development 2008*, May 2009

⁸⁸ With regard to the Three Areas, the EC particularly supports the Abyei Recovery and Rehabilitation Project. See: European Commission's Delegation (2010) *The Sudan Post-Conflict Community Based Recovery and Rehabilitation Programme (RRP)*, EU Cooperation with the Sudan

⁸⁹ UNDP (2010b) *Sudan Post-conflict Community Based Recovery and Rehabilitation Programme*, UNDP Sudan

⁹⁰ UNDP (2010c) *Recovery of Abyei Area through Good Governance and Poverty Reduction*, UNDP Sudan

implementation of the PCA award and boundary delimitation. The support has been both financial and technical. In December 2009, the Dutch Ambassador to Sudan inaugurated the Abyei Police Force barracks in Abyei Town, which were built through the UNDP Abyei Civil Administration project in collaboration with UNMIS police. Moreover, the Netherlands announced an additional USD 3 million support for equipment to the Abyei Police.⁹¹ The Dutch Embassy in Sudan also cooperates with the Netherlands Development Organisation (SNV) and various NGOs in order to foster cooperation between the Ngok Dinka and the Misseriya.⁹² Apart from its involvement in Abyei, the Netherlands has also contributed to the RPCM through its involvement in the UNDP. The Netherlands has also been active through its function as a chair of the AEC Working Group on Three Areas and through the Donor Working Group, which is further discussed below.

3.4. Implementation Challenges

52. Although some progress has been made by individual donors towards the Three Areas in terms of implementing specific projects and programmes, the impact of donor activities on the ground has not been as straightforward and forthcoming as the strategic objectives and priorities suggest. This is partly due to the fact that attention was mostly devoted to Southern Sudan and Darfur, thereby marginalising the focus of donor institutions towards the Three Areas. However the actual implementation of projects in these Areas has also been hampered due to the failure to effectively coordinate activities from the start and the rigidity within donor organisations and fund management institutions, but also due to the political circumstances which have obstructed effective implementation.
53. The efficiency of project implementation and fund disbursement has been held back by the rigidity of the bureaucratic structures of organisations that are disbursing the funds, such as the World Bank. The complicated procurement procedures have obstructed speedy implementation of projects. Hence, several efforts of donors to deliver funds into the Three Areas have failed. The MDTF-N set up to deliver peace dividends in the Three Areas has not been successful as its disbursement has been very slow, directed towards processes rather than results. In other words, money was allocated to planning activities rather than direct delivery.⁹³ Part of the blame for MDTF-N's failure is however also on GoNU's shoulders, as it was the Sudanese government that refused to contribute to the fund with their share. MDTF-N therefore did not proceed to its second phase, and it is currently no longer considered to be a viable mechanism for fund disbursement.

⁹¹ UNDP (2009) *The Sudan Post-Conflict Community Based Recovery and Rehabilitation Programme* UNDP Press Release, December 8, 2009

⁹² SNV: Netherlands Development Organisation (2010) *Trade not Raid*, SNV, 7 May 2010

⁹³ Vaux, T et al. (2008) op. cit.

Moreover, most of the money invested in the region goes to the UNMIS⁹⁴ military forces, which are however not directly engaged in local communities.⁹⁵

54. The implementation of activities on the ground has also been significantly hampered due to various political setbacks. Access to the Areas has been difficult throughout the years, especially in Abyei and Southern Kordofan. Moreover, the lack of willingness on behalf of the partners to the CPA, as well as local authorities to engage in development and reconstruction efforts have seriously obstructed the role donors could potentially play. The lack of effective local government infrastructure has formed a major obstacle towards the delivery of local peace dividends. According to various UN representatives in Sudan, the donor commitment in Abyei but also other Areas has been set to the maximum capacity, but it is dependent on the support of local authorities.⁹⁶ In other words, the impact of donor activities is minimal if there is no local consent between the parties. It is also significant to realise that while donor activities towards development and reconstruction are undoubtedly important, they certainly are not sustainable, and cannot replace the role of local authorities in providing services. Hence, while food, seeds and tools have been provided to the locals, such support remains insufficient for the re-establishment of economic viability or basic services such as health, education and infrastructure development.⁹⁷
55. Another major setback occurred when the GoNU decided to expel a number of international NGOs, which have mostly been the implementing partners on the ground for all major donors. This step was a reaction to the issuance of an international arrest warrant for President Omar al-Bashir by the International Criminal Court in 2009.⁹⁸ This act severely delayed the implementation of various development projects and recovery programs. Due to US mediation, nine of 13 NGOs were allowed to return, albeit under a different name and with new personnel, which further prolonged the implementation of programs because of longer start-up times. The US engagement in the resolution of this issue has also led to more visible presence of USAID on the ground, especially in Blue Nile.

3.5. Donor Coordination

56. During the first few years after the signing of the CPA, every donor had its own policies, towards the Areas, which was influenced by the general international emphasis on the South and Darfur. When the donors started to work more collaboratively in the Three Areas, it soon became clear that they lacked a joint approach, as they most often cooperated on bilateral level. This bilateral approach was partially prompted by the

⁹⁴ Based on its mandate to monitor and verify the implementation of the CPA, investigate violations and monitor the actual or potential conflicts, UNMIS has its patrols present in the Three Areas. However, as Vaux et al point out, there are several areas of UNMIS' presence in the Three Areas that could be deemed problematic including the fact that UNMIS patrols often arrive on site long after the event, they do not identify likely problems in advance and their relations with local population are only very limited, which results in a lacking understanding of people's needs. Vaux et al. also point out lack of resources on behalf of UNMIS Civil Affairs and missing language abilities of the UNMIS soldiers, Vaux, T et al. (2008) op. cit.

⁹⁵ Ibid.

⁹⁶ Various UNMIS Senior Representatives, Khartoum, Sudan, 17-28 April 2010

⁹⁷ Vaux, T et al. (2008) op. cit.

⁹⁸ Pantuliano, S, S Jaspars, and D B Ray (2009b) *Where to Now? Agency Expulsions in Sudan: Consequences and Next Steps*, ALNAP Lessons Papers, Overseas Development Institute, March 2009

failure of the MDTF-N. The lack of comprehensive donor coordination has however not only been the result of individual donor policies, lacking will or bureaucratic difficulties. Rather, one of the major obstacles identified by the donors themselves is their own lack of capacity to get together caused by insufficient staffing, as well as a high staff turnover.⁹⁹ To a large extent coordination between donors is done on the level of personal networks and it takes a while for new staff to renew contacts with other donors and gain full knowledge of the local context and developments on the ground.

57. Donor coordination towards the Areas has however received more attention in recent years, and some relatively successful coordination efforts have been launched. In April 2010, USAID organised a meeting with other donors regarding the coordination of support for the upcoming popular consultations as stipulated in the CPA. Although the preparations for the popular consultations started rather late, the international community seems to be determined to continue their common activities in this regard; acting with one voice. Another coordination success was based on the initiative launched by Governor Haroun of Southern Kordofan who proposed monthly coordination meetings with UN and other donors regarding the different efforts and projects in Southern Kordofan. It is interesting to note that in case of Southern Kordofan, the coordination initiative came from the local authorities. This could potentially serve as a model for future activities of the international community in the region through the provision of support to bottom-up initiatives.
58. A relatively successful initiative taken by the international community has been the establishment of the Three Areas Steering Group (also referred to as the Donor Working Group) in 2008. The international community was urged to devote more attention to the stability in Three Areas already before the May 2008 clashes in Abyei, in a study released by the Overseas Department Institute (ODI). However, it was first after the clashes that the international community became alarmed enough, and realised that Abyei and all Three Areas in general are much more important to peace and stability in Sudan than they had originally anticipated. Hence, the international community decided to pay more attention to mitigating the existing causes of conflict in the Three Areas. The clashes prompted the international community to discuss the stability framework in the Three Areas at a workshop, which in turn resulted in the establishment of the aforementioned Three Areas Steering Group.
59. Currently presided by USAID, the Group consists of all major donors. Upon its creation in 2008, the Three Areas Steering Group set up its own strategy for the Three Areas, also referred to as ‘Stability and Development Strategy’. Overall, its four main strategic objectives were: “providing support in order to address key challenges of State integration in a time-sensitive manner”; “fostering peaceful coexistence through an integrated approach that addresses key conflict risks and socio-economic recovery gaps at community level”; “supporting State/local authorities capacity to lead recovery/development in a conflict sensitive manner” and “providing stabilising support for key elements of CPA implementation.”¹⁰⁰ The updated August 2009 version of the

⁹⁹ Various donor officials, Khartoum, Sudan, 17-28 April 2010

¹⁰⁰ Draft ToR: Working Groups: Peaceful Co-existence and Recovery (2008)

strategy largely agrees with the above mentioned aims, but revises them based on the new developments in the Three Areas. Hence, the 2009 strategic priorities include five broad areas: managing conflicts and promoting peaceful coexistence; integration, capacity building and scaling-up basic services and livelihoods; implementing key aspects of the CPA; security, access to justice and rule of law and preparing for 2011 Border issues. All of these general priorities are further specified as particular activities such as civic education and voter training, monitoring and rapid security response, support to JIUs etc.¹⁰¹ Although the Group was initially relatively successful in coordinating their efforts and channelling the money to different projects in the Three Areas, things came to a halt when the Group coordinator and strategic advisor left. Although the new coordinator has been hired and is in post at the moment, the work of this Group was hampered due to a relatively long and cumbersome selection process.

60. In addition to the strategy, the Steering Group realised the necessity to cooperate with representatives of the UN, NGOs and other partners in a more direct way. Therefore, the creation of two specific working groups – the Peaceful Coexistence (or Stability) Working Group and the Recovery (Development) Working Group – was suggested.¹⁰²

¹⁰¹ Three Areas Steering Group Strategic Priorities, Mechanism/Implementing Agencies and Update, August 2009 (Draft)

¹⁰² Draft ToR: Working Groups: Peaceful Co-existence and Recovery (2008)

Section Four: Key Findings and Conclusions

4.1. Findings

61. The Three Areas have remained potential hotbeds of conflict throughout the entire CPA period. Peace in the region is threatened by a delay in the implementation of CPA provisions, as well as ongoing tensions and clashes among the local communities over land issues, migratory routes and grazing rights. These are especially vocal between the Misseriya and the Ngok Dinka in Abyei and the Misseriya and the Nuba in Southern Kordofan.
62. Many important steps still need to be taken in preparation for the upcoming referendum in Abyei and the popular consultations in Southern Kordofan and Blue Nile, which will determine the post-2011 status of the Areas. Issues for urgent implementation include full demarcation of the North-South border, demarcation of the Abyei District, installation of the referendum commission and voter registration (Abyei) and civic education campaign (Southern Kordofan and Blue Nile).
63. The local authorities and national parties give insufficient attention to the local dimension of conflict in the Three Areas, due to a strong focus on the bigger issues at hand: the referendum in Abyei and Southern Sudan.
64. The delays in establishing effective local authorities and the unwillingness by parties to cooperate with each other at the State level have resulted in a lack of progress regarding reconstruction, development and peace dividends in the Three Areas. The situation has recently improved in Southern Kordofan and Blue Nile whose governors have expressed their desire to cooperate and coordinate efforts with the national authorities as well as the international donors.
65. While donor activities towards development and reconstruction are undoubtedly important, they are not sustainable, and cannot replace the role of local authorities in providing services.
66. The implementation of donor activities in Three Areas has been hampered due to the donors' failure to effectively coordinate their activities as well as due to the rigidity within donor organisations and fund management institutions, but also due to political circumstances which have obstructed effective implementation, including the extremely difficult access to the Three Areas and the expulsion of international NGOs in 2009.
67. Donors have experienced serious coordination difficulties exacerbated by the MDTF-N failure, internal obstacles, understaffing and the delays in progress on behalf of the Three Areas Steering Group. There are however notable recent examples of cooperative initiatives in tandem with local authorities through coordination meetings and reconciliation efforts.
68. The AEC Three Areas Working Group has achieved relatively little in trying to persuade the parties to implement the CPA provisions towards the Three Areas.

69. Should the North and the South launch a new war against each other, it is likely that the Three Areas will become the main battle ground and will be the most affected. As the people of Abyei, Southern Kordofan (Nuba Mountains) and Blue Nile are becoming increasingly dissatisfied with the implementation of the CPA, they are more vulnerable to be mobilised by either side in a country-wide war.
70. GoNU officials have indicated that the parties have a mutual interest in maintaining stability, and that bilateral negotiations between the parties to the CPA are ongoing. The international community will be asked for technical assistance in the process when needed.

4.2. Conclusions

71. The Three Areas have remained potential hotbeds of conflict throughout the entire CPA period, and even more so now in the lead up to the referendum. As the end of the CPA is fast approaching, the instability within the Three Areas is feared to draw the signatories into a new North-South war. Confronted with this statement, government officials in Khartoum, as well as some donor officials downplay the suggested gravity of the situation and do not consider it a likely scenario.¹⁰³ In general, disagreement exists among donor officials and analysts on whether any conflict within the Three Areas would be of a localised nature or would draw the national parties into a renewed armed confrontation. In any case, should the North and the South launch a new war against each other, it is likely that the Three Areas will become the main battle ground and will be the most affected.¹⁰⁴ As the people of Abyei, Southern Kordofan (Nuba Mountains) and Blue Nile are becoming increasingly dissatisfied with the implementation of the CPA, they are more susceptible to be drawn into a North-South war as proxy fighters. The lack of progress in border demarcation, internal tribal conflict, migration of the Arab pastoralists (Misseriya), the discrimination of Nuba in Southern Kordofan and the displacement of large groups of people as a result of heightening the Rosaries Dam in Blue Nile are all cited as factors that could lead to major clashes if not war. Moreover, the possibility that the parties to the CPA will use one or more of these potential flashpoints to distract attention from internal problems or even as a provocation to achieve certain goals, cannot be excluded. Securing these Areas is therefore crucial for cementing peaceful relations between the North and the South, particularly in the case of Southern secession.
72. In the past five years, progress in implementation of the CPA provisions in the Three Areas has been slow partly due to weak local government structures, but initially also the lacking sense of urgency by the international community. It has been widely recognised that the international community had done too little for too long, partly distracted by the situation in Southern Sudan (although even there CPA implementation was seriously delayed by all parties) and Darfur. On a political level, the AEC Three Areas Working

¹⁰³ Various donor officials, Khartoum, Sudan, 17-28 April 2010

¹⁰⁴ Marina, P (2010) op. cit.

Group has achieved relatively little in trying to persuade the parties to implement the CPA provisions towards the Three Areas. In terms of donor activities, there have been many positive developments over the last two years, although several challenges remain. A key factor that has hampered the donors' joint efforts was the considerable delays in implementation of projects and programmes due to the bad functioning of the MDTF-N. This in turn resulted in donors choosing a more bilateral approach towards their interventions. Coordination efforts have been further hampered by internal obstacles and understaffing. Moreover, access to the Areas has been extremely difficult and the expulsion of NGOs in 2009 seriously obstructed the implementation of projects. All donors conveyed that not much can be done without a functioning and cooperating local authority, which has been a serious challenge in all three States. Until recently Abyei lacked an administration; Southern Kordofan has only recently reached agreement between the parties and the situation in Blue Nile has been similar. However, there are some notable recent examples of cooperative initiatives by donors in tandem with local authorities through coordination meetings and reconciliation efforts. The present governors of Southern Kordofan and Blue Nile have documented their wish to move forward. Well versed in the intricacies of Sudanese bureaucracy, they have managed to achieve substantial progress in the obtaining of finances and political support. Efforts such as these cooperation initiatives should be reinforced to the fullest extent by the international community so that stability and security in the Areas improves before the 2011 referendum.

73. On the national level parties to the CPA seem to be willing to compromise on some of the key contentious issues that need to be resolved in the lead up to the referendum in 2011. Although consensus within the NCP is lacking, the party is coming to terms with the fact that Southern secession is a possibility. It is in both parties' mutual interest to make balanced arrangements, especially in regards to such delicate issues as border demarcation. The GoNU officials confirmed that the parties have therefore initiated discussions about the post-CPA arrangements, considering both possible outcomes: secession and unity. An agreement has already been reached on clusters of issues which need to be further negotiated and resolved before the 2011 referendum.
74. Although the negotiations between the parties are conducted on a bilateral basis, the international community will be approached if the parties determine that assistance is needed. The current consent and willingness of the local administration in the Three Areas, as well as the ongoing negotiations on the national level offer a window of opportunity, which should be used by the international community to engage with the parties. However, there is not only a need to focus on the remaining Interim Period, but also to prepare the Three Areas for a soft 'post-referendum/popular consultations landing', so that the underlying tensions do not escalate into clashes, which could potentially spill over to a major country-wide conflict. Instead, steps should be taken by stakeholders on local, national and international levels to enable the Three Areas to smoothly transition into the post-2011 era.

Sub-Annex 1: Abbreviations

| | |
|--------|---|
| ABC | Abyei Boundaries Commission |
| AEC | Assessment and Evaluation Commission |
| CNPC | China National Petroleum Corporation |
| CPA | Comprehensive Peace Agreement |
| ESIA | Environmental and Social Impact Assessments |
| GNPOC | Greater Nile Petroleum Operating Company |
| GoNU | Government of National Unity |
| GoSS | Government of Southern Sudan |
| IDP | Internationally Displaced Person |
| JAM | Joint Assessment Mission |
| JIU | Joint Integrated Unit |
| MDTF | Multi-Donor Trust Fund |
| MDTF-N | Multi-Donor Trust Fund – National |
| MDTF-S | Multi-Donor Trust Fund – South |
| NCP | National Congress Party |
| NPC | National Petroleum Commission |
| ONGC | Oil and Natural Gas Corporation of India-Videsh |
| PCA | Permanent Court of Arbitration |
| PDF | Popular Defence Forces |
| PDOC | Petrodar Operating Company Ltd. |
| RPCM | Reconciliation Peaceful Coexistence Mechanism |
| SAF | Sudan's Armed Forces |
| SPLM/A | Sudan People's Liberation Movement/Army |
| UNDP | United Nations Development Programme |
| UNEP | United Nations Environment Programme |
| UNMIS | United Nations Missions in Sudan |
| WNPOC | White Nile Petroleum Operating Company Ltd |

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Sub-Annex 3: List of Interviewees

Donors

| | |
|---------------------|---|
| China | Liu Zengxian, Counsellor Zhao Liang, Political Director |
| DEFAT (Netherlands) | Bart van Gelderen, Defence, Military, Naval & Air Attaché |
| DFID | Sandra Peppera, Head Laura James, Senior Economic Advisor |
| EC Commission | Claus Heiberg, Head of Political Affairs, European |
| India | Dr. Ajay Kumar, First Secretary, Embassy of India |
| Japan Japan | Haruka Yamazaki, Aid Coordination Officer, Embassy of Yasuhito Marukami, PhD, First Secretary, Embassy of Japan |
| Malaysia | Mohd Shuhada Othman, Head of Mission |
| Netherlands | Norbert Braakhuis, Ambassador and Coordinator of Three Areas Working Group Marriet Schuurman, Plv CdP/Head Development Cooperation Ingeborg Denissen, Three Areas Coordinator |
| Norway | Arve Ofstad, Minister Counsellor, Head of Development Cooperation |
| Sida Cooperation | Stefan Dahlgren, Counsellor, Head of Development |
| UK | Collin Wells, First Secretary Political, UK Embassy |
| USA | Preston Savarese, Political – Economic Officer, Embassy of the USA (three areas) Robert Whitehead, Chargé d’Affaires and Coordinator of Wealth Sharing Working Group, Embassy of the USA |
| USAID | Ken Spear, Acting Head Mohammed Elamin, Three Areas Advisor |

Government of National Unity (GoNU)

| | |
|---------------------------------------|--|
| Ministry of Foreign Affairs | Mutrif Siddiq, Undersecretary Khalid Musa Dafalla, Minister Plenipotentiary |
| Ministry of International Cooperation | Elfatih Ali Siddig, Undersecretary |

Unity Fund

Yahya Hussein, Director

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United Nations

UNMIS

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FAR

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