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Reviews   Reviews

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JIAS objective is to contribute to knowledge on and about Africa through the work of scholars and academics working within and outside Africa. The journal focus is on history, literature, politics, economics, institutions, culture, religion, sociology, geography and other related subjects. Papers expected by the journal can dwell on regional issues within individual African nations, or treat national, sub-regional or pan-African issues.

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Darfur Conflict: An Analysis of the Obstacles to the Implementation of the Comprehensive Peace Agreement

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The war in Darfur, Sudan has had grave consequences on the peaceful co-existence of the Arabs and non-Arabs in the country and the neighbouring states. Consequently, concern of world and African bodies has led to many peace initiatives without any of them yielding the desired results. Using the spoiler approach as an explanatory tool, this paper finds, selective implementation of the Comprehensive Peace Agreement as the major problem bedeviling the peace initiatives. However, in spite of obstacles the CPA achieved the goal of ending civil war in Darfur, Sudan through the conduct of elections and a referendum which led to the emergence of South Sudan as an independent state. The independence of South Sudan has thrown up new problems like dispute over the distribution of oil resources among others. Therefore, it recommends that each state should be allowed to exercise right of ownership and control over resources within its border.

Introduction

When warring factions in a civil war sign a peace accord, what can international actors do in order not to leave room for a repeat occurrence? Steadman posits that this is a life-or death question for millions of people (Stedman, 2002). Cases of massive violence orchestrated by failure of implementation of peace agreements are rife, especially in Africa. This is predicated on the fact that, Africa continent served as the theatre of war for two of the most horrific cases of massive violence in the 1990s-Angola in 1993 and Rwanda in 1994, brought to the fore by failure of implementation of peace agreements. In both cases, the death tolls were

quite disturbing. According to Steadman, (2002), an estimated 350,000 were killed in Angola while that of Rwanda took a quantum leap to 800,000. The war in Liberia lasted for eight years and left behind 150,000 dead –all because the multiple peace agreements struck failed to end the civil war in that country. In 2001, Angola found itself in another gamut of war after the failure of another peace accord. Unimaginable wanton destruction and killings continued unabated in the Congo despite a peace accord reached in 1999.

The civil war in Darfur which is of genocidal proportion, (Dagne 2006) has added to the catalogue of civil wars perpetuated by failure of implementation of peace agreements. This is because International Crisis Group (2008) posits that, Dafur peace agreement is a failure. While sustained U.S pressure on Sudanese government helped to secure the comprehensive peace Agreement, both the government and rebel groups have been violating the tenet of agreement (Dagne 2006;Wikipedia 2008; ICG, July 2008; Human Rights Watch 2006)

In all the aforementioned cases of civil war, International actors mediated the agreements and were also given roles to play in implementation. However, the question that will agitate the curious mind of any serious analyst (especially as relating to Sudan, Darfur crisis) is that, why did they fail? Extrapolating from Stedman, what exactly could they have done differently? Was implementation bedeviled with unworkable peace agreements? Was the failure situated within the context of unfulfilled mandate? Was it a problem of difficult environment? Was it because one of the warring factions assumed the status of a spoiler? These and many other pertinent issues germane to Darfur crisis would be considered in this paper.

Conceptual Discourse

With out any form of agreement between or among parties in conflict, conflict resolution will be a mirage. This underscores the prime place of peace agreement in conflict resolution. However, it is essential to state that although peace agreement is a necessary step to a lasting peace arrangement that may not necessarily mean it is sufficient to guarantee a durable peace. Before peace agreements are struck, there is need for pre-negotiation agreement which defines how the peace will be negotiated. It also determines the procedural issues like schedules, agenda, participant, location, and also the peace maker role and the procedure

for drafting the later comprehensive peace agreements. Apart from the fact that it provides a platform for negotiation, it also structure negotiations and keep them on track, (www.beyondintractability.org)

Peace Treaty or Agreement according to Quellet (2003) has to do with agreement between two parties that are hostile usually countries or governments that formally ends an armed conflict. It is different from an armistice, which is an agreement to cease hostilities or a surrender, in which an army agrees to give up arms, (www.beyondintractability.org)

In the same vein, Wallensteen (2002) sees a peace treaty or agreement as "a formal understanding, a document signed under more or less solemn conditions". He asserts that, this formal document is vital for peace process. Put differently, Peace Agreement depicts situations in which the parties in dispute accept each other also as parties in their dealing with one another in the future. It simply denotes that nobody wins all that there is to win and also nobody loses all that there is to lose. Wallensteen posit that the word "accept" in the definition does not imply that, the disputants agree to everything or that they like each other, it only connotes that that they accept the other only to the extent for the agreement to be implemented by the opposing sides.

Peace agreement regulates the contentious issues, stuck to by the warring factions so as to bring an end to fighting between them. Peace agreement is indeed a joint assignment for warring parties involved in negotiations, the mediator summaries the terms of discussion, negotiated compromises, and makes it available to parties drafting the agreement. In a nutshell, peace agreement is a contractual agreement struck to end a violent conflict, transforming it in a way that can be addressed constructively.

Comprehensive peace agreements: This focuses on the substance of the underlying issues of a dispute. It seeks to look for a common ground between the needs and interests of the disputants and resolve the substantive issues in dispute (Wallensteen 2002).

Peace Implementation Stedman (2002:2) defines peace implementation as "the process of carrying out a specific peace agreement. It focuses on the narrow, relatively short-term efforts (three month in the case of Zimbabwe, over five years in the case of Bosnia) to get warring parties to comply with their written commitment to peace"

Theoretical Framework

Scholars have enunciated different perspectives to account for why some peace agreements fail and others succeed in ending civil wars. Fen Osler Hampson evolved an approach christened "Nurturing peace." The argument of Hampson is premised on the fact that, success in peace agreement is based on the following: the extent of international nurturance of the peace process; whether the conflict is ripe for resolution epitomized by the intrinsic desire of warring parties to make peace; regional power balances favourably disposed to peace; and the quality of the peace agreements. In order to actually evaluate these four strands, Hampson engaged in a controlled comparism of five cases; two failures, Angola and Cyprus 1992-1994; two successes El Salvador and Namibia and one that can be said to be partially successful, Cambodia, (Hampson1996).

Based on his research work, he submitted that, the outcome of peace agreement is a function of the quality and level of support of the third party or parties in peace process, more importantly during implementation of peace agreement. In addition, Hampson also stressed the need for regional actors. If regional actor or outside great power is antithetical to the peace process, the success of peace settlement mediated by the third parties will be a herculean task (Hampson 1996; Stedman 2002).

This approach, however suffers from analytical premises; Hampson fails to give a guide as regard the amount of resources needed in a given case to make peace process successful with reference to getting international attention, Hampson refuse to ask why some cases get more attention than others; and why international actors at times, provide resources to one case as against another. Finally, he fails to give specific advice in respect of how resources should be used by international actors to bring about success.

In her own view, Barbara Walter hinges the success or failure of peace agreement implementation on the third –party security guarantee which she defines as "any implicit or explicit promise given by an outside power to protect adversaries during the treaty implementation period", (Walter 1997:345).

Security guarantee can be scaled down into three layers; weak, moderate, and strong. A weak guarantee " involves a formal promise to intervene should the treaty break down." It is necessary for such a promise to be "widely known and (cannot) be recanted without negative

reputational effects". A moderate guarantee requires" the deployment of at least five hundred soldiers prior to the implementation period". A strong guarantee consists of the deployment of massive ground forces" unambiguous and indisputable demonstration of intent". She argues that success of negotiation to civil wars should "vary directly with the strength of outside security guarantees."

This perspective has been punctured by critics like Stedman, (2002) who argued that, numbers of troops do not necessarily signify strategic intent, which is very pivotal to the concept of guarantee. For security guarantee to be a powerful explanatory tool of implementation success, implementers must be in possession of explicit strategy to apply force to deter violations, compel compliance, or protect would-be peacemakers (Stedman 2002). Second, numbers of troops may not be tantamount to commitment. Stedman contends that, United States and the United Nations had about 25,000 troops on ground when the United States unilaterally announced six-month disengagement after it lost eighteen soldiers in Mogadishu. The same with India withdrawing troops from Sri Lanka in 1990. In a nutshell, troop's deployment does not necessarily imply credibility of commitment. (Stedman 2002).

Penutimately, Walter fails to examine some cases where large numbers of troops could not provide a credible commitment.   Lastly, Stedman avers that using numbers as indices for credible security is misleading in the sense that, civil wars vary in terms of the challenges they pose for third party implementers. A hostile regional environment, numbers of soldiers and warring factions involved, size of the country are determinant factors of the number of troops required to credibly provide security guarantees in a peace agreement. Stedman (2002) concluded that, the success of international actors in implementing peace agreement in South Africa, Namibia, Zimbabwe and Mozambique were not based on provision of security guarantee as postulated by Walter.

Another perspective that has been put forward to explain failure or success in implementation of peace agreement is what Doyle tagged "Enhanced Consent and Multidimensionality." Based on research on Cambodia and El Salvador Doyle argues that, the onus lies on the outsiders in peace agreements to choose from among a range of strategies to bring about compliance. He stressed that, traditional peacekeeping approaches focus on monitoring and verification of compliance. At the

extreme end is the peace enforcement, in which the outsiders depend on the instrument of force to elicit compliance.

Doyle however, criticizes both approaches. One traditional approach is not sufficient in a situation where the warring factions have weak consent. Conversely, peace enforcement has proven to be risky and costly to troops contributing countries, who may ipso facto be unwilling to go to war in order to make peace. Thus, according to Doyle an alternative to the aforementioned approaches is the strategy of enhanced consent in peace agreements implementation. To put this strategy into practice will involve putting in place arrangements such as "friends of the Secretary General," establishing "ad hoc semi-sovereign bodies composed of representatives of the warring parties" and following a transformative strategy, making appeal that transcend to the masses that are favourably disposed to making peace and needed to be assisted in changing political and social institutions. Thus, he concluded that these strategies are germane in winning and keeping the warring factions consent, (Doyle 1996).

This perspective has been subjected to severe criticism. Stedman contends that, the phrase multidimensional strategy apart from telling implementers to do quite a number of things, it did not give guidelines about the dimension that ought to be given priority in resource allocation and should take precedence above basic security factors in implementation. Stedman equally criticized the use of the concept "strategy" in such an approach as it is irrelevant

Doyle (1997) equally argues that transformation has to do with content and strategic direction, that in a situation in which compliance of the parties is endangered and their consent to the mission is weak or eroding, implementers should make efforts to improve the lives and Institution governing the mass of people in a society this will compensate for weak consent of the parties in conflicts. The problem is that not all civil wars are amendable to strategy, if at all it does, what is the yardstick to substantiate that implementers are really pursuing such a strategy? In addition, since transformation can take different dimension which institutions and practices should be given priority?

Lastly, if outsiders only engage in monitoring and verification in the transformation effort, then such transformation falls within the orbit of confidence building. (Stedman 2002).

The last approach that would be considered in this paper is the spoiler approach developed by Stedman. His argument is premised on

the fact that, civil wars can be differentiated by the presence or absence of spoilers who seek occasion to undermine peace agreement through violence.

In his article on spoiler problem, (1997), he posits that negotiations and implementation during civil war are rife with strategic deception. Put differently, parties sign agreement, not for envisaged co-operative gains, but rather as a means to prevail. Second, even in situations where the parties to a peace accord have a sincere intention to implement peace accord that is mutually beneficial, they may have confrontation with spoilers who are not necessarily parties to the agreement and yet make frantic effort to destroy the initial coalition for peace. Third, implementers may face major uncertainties like the sincerity of the parties in conflict, their command and control, (Stedman 1997)

Stedman (2002) has come up with a typology of spoiler based on their position in the peace process their numerical strength, their intentions and the focus of behaviour whether it lies with the leader or followers of the party. Of great importance is the motivation and intention of the spoiler. The questions to ask are: is the demand of the spoiler limited to what can be met through inducement? Is the spoiler a total spoiler who sees power as indivisible, cleaves to immutable preferences, wanting to capitalize on any inducement? Or is the spoiler greedy, that is, possessed some goals that expand based on the prospect of inducement? It is essential for international implementers to possess the skills of diagnosing the type of spoilers it faces so as to be able to choose effective strategy to manage the spoiler. While limited or greedy spoiler can be addressed through socialization or inducement, total spoiler can only be managed through coercive strategy.

John Darby (2001) and Marie –Joelle Zahar cited in (Stedman 2002) postulated that, there is the possibility of so-called total spoilers to change. They cited examples of Palestine Liberation Organization (PLO) in the 1970s, the Irish Republican Army (IRA) who became willing to negotiate a settlement after many years. This call to question whether there can be total spoiler that holds immutable preferences for total power. If the problem lies with a single leader of a party, then change of leadership may lead to change in type of spoiler.

Background to the Darfur Conflict

Sudan has been described as a bridge between the Arab world and sub-Sahara Africa, denoting peaceful trade and cultural meddling; however, it has equally been described as the advance guard for Islamic conquest of Africa (Peterson 2002). Sudan is enmeshed in a series of division manifesting in the form of Christian-Muslim; Africa-Arab and the north-south. The north is made up of Arabs who are Muslims, while the south is predominantly composed of Africa, with a mixture of Christians and Muslims population. The Sudanese conflict is indeed Africa longest civil war. The sources of the conflict are deeper and more complex than most political leader and observers claim. Sudan has fluctuated between military regime and democratic rule (UN Report 2005). It is essential to note that from independence till date either the civilian or military heads of state has always been from the Northern Sudan who are Arabs and Muslims. (UN Report 2005; Wikipedia 2008)

One thing that characterized the reign of various leaders from Northern Sudan is that they always gave robust support to the spread of Arabic language and Islam in the entire Sudan. Southern resistance to this has often been met with repression by Sudanese governments. (UN Report 2005)

The intermittent civil war between the Government of Sudan and the Sudan People Liberation Movement (Army) (SPLM) was brought to an end by Nimeri regime in 1972, by granting the South autonomy in the Addis Ababa peace Agreement (Peterson 2002). Deng called this Southern autonomy, Southern province, Regional self government Act of 1972 (Deng 1995).

However, the conflict cropped up again in 1983 as a result of the abrogation of 1972 Addis Ababa agreement (Dagne 2006). In addition, the discovery of oil in the south propelled Nimeri to implement some measurers to ensure the incorporation of the oil-rich areas in the south to the north leading to the cancellation of southern autonomy. The matter was exacerbated with the introduction of sharia rule in the country by the government. Nimeri appointed a provincincial governor for Darfur who was not of the local population. This appointment sparked riots across Darfur in which three students were killed (Wikipedia 2008).

In essence, the combination of these factors led to another war with the south in 1983. The present president of Sudan (Omar Hassan al-Bashir) came into power via a military coup supported by the Muslims

brotherhood. His government has also been influenced by the political Islamic ideology. In 1994, Darfur was balkanized into three federal states within Sudan: Norhern (Shamal), Southern (Janus), and Western (Gharb) Darfur. Ali al Haj, Minister of federal Affairs was the brain behind this division. The goal was to make sure that, the Fur by this division will not be able to form a majority in any state which will also orchestrate the stage for Islamic candidates to be elected. (Wikipedia 2008)

A Clandestine group made up mostly of Darfuris published the Black Book in 2000. The manuscript is a detailed chronology of domination by the north and the impoverishment of the other regions. Many of the writers came together to form rebel groups christened Justice and Equity Movement (JEM) (Wikipedia 2008).

The Current Conflict in Darfur

Political leaders in the southern Sudan argued that, under successive civilian and military governments, the northern   has made only spurious efforts to address the grievances of the south without compromising the northern domination in economic, political and social spheres, (Dagne 2006). Based on the aforementioned reasons, in February 2003, two rebel groups, the Sudan Liberation Movement (SLM) made up of 2,500 troops, together with the Sudan Justice and Equality Movement (SJEM) a force numbering several hundred men organized rebellion against the Government of Sudan in a bid to end political oppression and economic neglect in the Darfur region of Western Sudan. (Ofcansky 2005). The government of Sudan in Khartoum responded by organizing a militia group known as Janjaweed to confront the rebel groups. This action culminated into "spiral of state sponsored violence and indiscriminate spread of weaponry," (Mandami 2004:38).

Some observers are of the view that the National Islamic Front (NIF) government is pursuing systematically and deliberately a policy of marginalization and discrimination of the African communities in Darfur by giving support to Arab militias to suppress non- Arabs, whom it saw as a threat to its hold on power (Dagne 2006). More than two million people have been killed, four million were uprooted and some 600,000 people sought shelter beyond Sudan's borders as refugees. (www.unis.org). Quite a number of agreements have been reached to bring about resolution without total success.

Peace Initiatives

Quite a number of peace initiatives have been employed to broker peace in Darfur, Sudan. The earliest among these were the Juba conference of 1947, the round table conference in 1965, the Addis Ababa Talks of 1972, (Deng, 1995). Others include the Koka Dam Declaration of March 24,1986; the Sadiq-Garang talks of July 31, 1986; the Harare (Zimbabwe) meeting of March 20-22, 1988, under the leadership of the Global inter-Action Council of the former heads of state and government; the Mirghani-Garang Agreement of November 16, 1988. Two meetings were held between the SPLM-SPLA and Al-Bashir's Revolution for National Salvation, the first in Addis Ababa on August 19-20, 1989 and the second in Nairobi (Kenya) on December 1-5, 1989 under the auspices of former U.S president Jimmy Carter, (Deng 1995), and several meetings mediated by Chad and Nigeria, (Deng, 2006; Ofcansky 2005).

Peace Agreements

The aforementioned peace initiatives and many others have orchestrated the stage for peace agreements reached in an effort to bring about lasting peace in Sudan. Some of the peace agreements namely are: the Machakos Protocol, dated July 20th, 2002; the Agreement of security arrangement, dated September 25th, 2003; the agreement on wealth sharing, dated January 7th, 2004; the protocol on power sharing, dated May 26th, 2oo4; and the protocol on the resolution of conflict in the Abyei Area, dated May 26th, 2004,(www.unip.org;www.unmis.org)

The parties in dispute had met in Nairobi and Naivasha, Kenya, between November 26th, 2004 and December 31st, 2004 under the auspices of the Intergovernmental Authority and Development (IGAD), there they agreed that the aforementioned peace agreement, together with the agreement on permanent cease fire and modalities for implementing the above mentioned protocols shall form part of the comprehensive peace agreement which shall be binding on the parties, (www.usip.org).

In this resolution, Mr. Sayed Elkhatib represented the government of Sudan, while Dr. Samson Lukare Kwaje stood for the Sudan Liberation Movement/Army and Lt. General Sumbeiywo (rtd) ambassador and Kenya special envoy for the Sudan peace process served as a witness, (www.usip.org).

Sudan Comprehensive Peace Agreement

It has been mentioned before that it was the U.S sustained pressure on the Sudanese government that helped to secure the Comprehensive Peace Agreement. While maintaining U.S bilateral sanctions on Sudan, the Bush administration also engaged the Sudanese government in critical dialogue and thereby gave the resolution of Darfur crisis and settlement of the North-South conflict as a condition for the normalization of the bilateral relations between the U.S and Sudan, (Deng, 2006).

Apart from disarming the janjaweed other provisions were made to bring an end to Darfur and north-south crisis:

Armed Forces: the North and South are to maintain separate armed forces. The Sudanese government is to withdraw 91,000 of it troops from the south within two and a half years, while the SPLM was given eight months to withdraw it forces from the north. The Naivasha Protocol which forms part of the CPA contains provision for integrated units of 21,000 soldiers (of which government will have half and the other half from SPLM) is to be formed during the six years interim period the troops are to be deployed to sensitive areas such as the disputed areas. These units are to be commonly stationed albeit under separate command and control structures. However, if the south decides not to secede after the interim period, both sides will unify into a 39,000 strong force.

Autonomy: the south is to have autonomy for six years which will be followed by referendum in 2011 as regards secession from Sudan.

Oil wealth: the oil wealth is to be shared on a 50:50 bases between the Sudanese government in Khatoum and the SPLM.

Economic issues: two separate currencies are to be used in the context of dual banking system. The north is to retain the Sudanese pound, while opportunity is given to the south to opt for the Sudanese Dinar. The essence of the dual banking system is to give room for two different windows of service.

Administration: the central and transitional government positions are to be shared on a 70:30 in favour of the Sudanese government, and 55:45 also in government favour in the contentious areas of the Blue Nile state, Abyei and the Numba Mountains. While Bashir's position as the Head of state is maintained, Garang is to serve as the vice president. A government of national unity is to be formed.

Islamic Law: the application of Sharia Law is to remain in force in the north, parts of the Sudanese constitution is to be rewritten so as to

forestall application of Sharia Law on non-Muslims in the entire Sudan. In addition, an elected Assembly is to decide the status of Sharia in Khatoum.

Other: each territory is to use it own flag: while the north will continue to use the current Sudanese flag, the south is to introduce it own flag.(www.iss.co.za)

Implementation and Constraints on Comprehensive Peace Agreement

The Drafting Commission finished its work in June, 2005, and presented the draft constitution to the Sudanese government and the SPLM. It was ratified by the National Assembly in Khartoum and the council of SPLM leadership and was signed as the Interim National Constitution (INC) on July 9, 2005. The same day after signing INC, the presidency which consists of the president, first vice president, and a vice president was inaugurated, (Deng 2006).

The Abyei Commission Boundary established with the responsibility of demarcating the area of the nine Dinka chiefdoms, had finished it work and had also submitted its report to Al-Bashir

As per power sharing Agreement, the parties had accepted to a 28% SPLM and 52% National Congress Party (NCP) this arrangement cut across all sectors of government, with the legislature, executive and the judiciary inclusive. The SPLA had deployed an estimated troop of 1500 to be part of the Joint Integrated Units. Further more, the SPLA had equally deployed an estimated 1000 troops to Juba as requested for in the Comprehensive Peace Agreement (CPA), (Deng, 2006). The first vice president and chairman of the Sudan People Liberation Movement (SPLA/M) John Garang died in a plane crash, and was subsequently replaced by the SPLA/M leadership council with Salva Kirr.

The formation of cabinet in September, 2005 was contentious as dispute centered on distribution of key economic ministerial portfolios. The NCP was bent in keeping the energy and finance ministries, while the SPLM contended that it should be shared between them. In the long run the, the SPLM secured eight ministries, including Foreign Affairs, Cabinet Affairs, Labour, Transportation, Health, Education, Humanitarians Affairs and Trade, with two advisers. This development has been greeted with negative attitude by the southern Sudan. The

argument is that in exception of the Foreign Affairs Minister, other key positions went to the NCP.

Apart from the dotted successes that are noticeable, it is essential to state that the implementation process has been an uphill task, with the NCP exploiting the lapses within the CPA coupled with the weaknesses of the SPLM its junior partner to delay and frustrate the process, (International Crisis Group 2006). On October, 2007, the SPLM said it was suspending participation in the government of national unity, because the NPC was not implementing the key aspects of the 2005 CPA, (International Crisis Group 2008).

The inglorious role of the Sudanese government has made it to assume the status of a spoiler. In February, 2008, the Sudanese government launched major aerial bombardments and ground attacks on West Darfur. In response to this assault, the Justice and Equality Movement (JEM) one of the rebel groups in mid- May 2008 retaliated by attacking Khartoum leaving at least 200 dead. The NCP led by Al-Bashir continued to pursue destructive policies in Darfur, while at the same time resisting key provisions in the CPA, (International Crisis Group 2008). The idea is that, the NPC wants Darfur in chaos so as to gag the room for emergence of opposition, thus, defying security council resolution by integrating its janjaweed militias into official security structures instead of disarming them, (International Crisis Group, 2008; Human Right Watch 2006).

The Sudanese government is also making things difficult for the Africa Union (AU) and the United Nations Organization (UNO) in resolving the conflict. It was observed that the Sudanese government had been painting its vehicles in the colour of Africa Mission in Sudan (AMIS) vehicles, culminating in restrictions on AMIS patrols by the opposing rebel movements (Africa Union Report 2006; Africa Union Report 2006). The government of Sudan even after signing the CPA, 2005 still used helicopter gunship at the time of several janjaweed attacks in October 2005 with the dead toll well above thirty, (Tadesse, 2005). The AU equally attested to the fact that Sudanese government partook in an attack against AU compound in Tawika in October 2005. The government is also accused of assigning a regular army officer, christened a technical expert to monitor each AMIS sector headquarter, this was to provide insight for Sudanese government into AMIS sector operations and also to interfere with its operational activities, (Human Right Watch 2005). President Al-Bashir has also been resisting UN peace keeping

force in Sudan. Thus, on June 19, 2006, he had said: "I swear that there will not be any international military intervention in Darfur as long as I am in power. Sudan, which was the first country south of sahara to gain independence, cannot now be the first country to be recolonised" (www.thesar.co.za 2006)

For peace to return to Sudan, the NPC government led by Al-Bishir must be committed to full implementation of CPA with the SPLA/M serving as a stronger and more effective implementing partner. However, the Al-Bashir government feared that full implementation of the CPA, and comprehensive political solutions to Sudan, Darfur conflict could lead to change of power locale with the NPC been ousted out via free and fair elections, or its control of the structures of government may whittle away to a minority stake, (International Crisis Group, 2006).

In a bid to ensure its political survival, amidst these challenges apart from keeping the international community at bay, it has equally led to increase in chaos on ground and has also promoted divisions within the rebels. In addition, it has been implementing selectively elements of the CPA without reducing its grip on power or fundamental change in the way the country is governed to be weakened.

In an attempt to perpetuate chaos in Sudan, NPC has bought over SPLA/M faction of Minni Minawi. Thus, the leaders have been given government jobs and land, and as an astute supporter of the status quo have been responsible for numerous attacks on civilian, the Humanitarians, the AMIS and some of the violence in internally displaced person (IDP) camps, (International Crisis Group 2008).

As the 2009 national elections and the 2011 southern independence referendum draw near, the focus now is on a "partnership" arrangement, but there are numerous problems that dogged the CPA implementation in this regard. The NPC in an effort to protect its control over the state and the economy is trying to delay the elections. It needed a partnership for democratic victory, yet in favour of the one that will neutralize the SPLM as a national challenger and still be defined as a purely southern based junior partner, (International Crisis Group 2008). Furthermore, the SPLM remains internally divided on priorities. While some favour the 2011 referendum, others are inclined with Garang's new Sudan vision that is, a role in national politics, confronting the NPC so as to change the country's governance and thereby, address the grievances of the regions that are marginalized. This infighting has weakened the CPA and SPLM

positions vis-vis NPC. In addition, the dangerous disengagement of the international guarantors on the CPA, partly as a result of lack of consensus on the way forward and/or due to preoccupation with Darfur does not help matters. The fact that the international community is satisfied with heavy monitoring but weak on follow-through, as the keys countries involved in the negotiation of the CPA have not yet played their role as a guarantor of the CPA, made it lack coordinated approach in dealing with the parties majorly the NPC let alone enjoning them to keep to their commitment. Having come to conclusion that it may be unwise to rely on the guarantors, the SPLM has started building up its military capacity as a leverage over the NPC, as well as forming alliances with other rebel factions within Darfur that are marginalized, (International Crisis Group 2008)

Another factor that constitute impediment to the success of CPA is the fact that other rebel groups were neglected in the signatory of the CPA like the Justice and Equality Party (JEM), the Democratic Unionist Party (DUP), Union Sudan African Parties (USAP), United Democratic Salvation Front (UDSF), Popular National Congress (PNC), and etcetera. They argued that, the CPA was negotiated by two parties and therefore, were not ready to participate in the national Assembly which is part of the CPA, (Deng 2006).

The fact that the Sudanese government has been tagged a spoiler does not mean that the rebel groups like SPLM, JEM etcetera are innocent. They have also been involved in violence most especially the SPLM. For example the SPLM have been found to be involved in a range of abuses like ambush, assault and abduction of health workers; extortion of commercial goods; recruitment and arming of child soldiers, and unlawful collection of taxes, (Human Right Watch 2006; AU Report of the chairperson of commission on the situation in Darfur, 2004). But the abuse is a far cry to that of Sudanese government, whose spoiler posture has led to a warrant of arrest on President Omar Bashir for genocide, crime against humanity and war crime, by the International Criminal Court (ICC) (International Crisis Group 2008).

In spite of the aforesaid obstacles, the CPA achieved the objectives of ending civil war in Darfur, Sudan through the conduct of elections in April 2010 and a referendum in January 2011 (Soderlund 2011). The referendum culminated in the emergence of the Southern Sudan as an independent state on 9th July, 2011, the 193rd country to be admitted to

the United Nations (UN) with Salva Kiir as elected president (http://www.auswaertiges-amt.de). It is however, necessary to stress that there are other outstanding issues that needed to be addressed.

Other Outstanding Issues

The Sudan and South Sudan are two of the poorest and most indebted countries in the world. In many parts of both countries especially in Southern Sudan the problem of food scarcity is quite worrisome. Many people depend on humanitarian aid from the International community. Water shortages and desertification are widespread and hampered development of the two countries although both countries are rich in mineral resources like oil, Ore, precious metals like gold, water from the Nile and potentially fertile arable land.

The distribution of oil resources between the Southern and Northern Sudan remain unresolved following independence of the South and the precise positioning of the borders most especially that of the region of Abyei to which both sides lay claim.

Conclusion and Recommendations

This paper argues that the success or failure of comprehensive peace agreements can be viewed from different perspectives. It however, uses the spoiler approach to analyze the obstacles in implementation of Darfur, Sudan Comprehensive Peace Agreements. This study found that, the Sudanese government inglorious roles have made it to assume the status of a spoiler thereby constituting a hindrance to implementation of the CPA. Other concomitant factors include; the division in the SPLA/M, the exclusion of other rebel groups in the signatory of the CPA and lack of co-ordination and commitment on the part of the international guarantors. However, in spite of the obstacles that dogged the implementation of the CPA, the pact still succeeded in bringing an end to the civil war in Sudan through the conduct of elections and a referendum, although this success is not without its accompany problems.

From the foregoing, it is therefore recommended that each country should be allowed to exercise right of ownership and control over the resources within its area of jurisdiction. There is need to develop viable state structures that will bring about socio-economic transformation of the two countries. The mineral resources should be well tapped and

used judiciously for the benefit of the citizenry were such resources are found. The verdict on the demarcation of the border issued by the Permanent Court of Arbitration (PCA) in The Hague should be relied upon in resolving the border issue of Abyei. The International community should strengthen its relationship with the SPLM and position itself as a supportive, but impartial partner of the South Sudan and its new Government. Such assistance should include professionalizing the security services and diversification of the economy. There is need to sensitize the SPLM to give room for multi-party system so as not to leave room for autocratic tendency as it was in the old Sudan epitomized by the NCP. Lastly, all perpetrators of the civil war in Darfur, Sudan should be brought to book so as to serve as deterrence for others.

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