Peacebuilding in post-war situations: Lessons for Sudan

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Purpose and scope

This report examines lessons from peacebuilding efforts during the last decade or so that are relevant to the current challenges in the Sudan.

"Peacebuilding" commonly refers to a set of transitional activities to implement peace agreements after civil wars. Activities normally include managing the transition from relief to economic recovery and longer term development; return of refugees and displaced persons; security sector reform; (re)constructing social and economic infrastructure; (re)building political institutions for democratic rule; and promoting human rights and accountability for past violations in a system of transitional justice.

The report does not cover all these areas. Rather, themes have been selected that would seem to be particularly relevant for the situation in the Sudan and that lend themselves to comparative analysis. An important purpose is to direct peace implementers to what should be some of their central concerns.

Post-war situations: how special is the Sudan?

While policy prescriptions based on a "one-size-fits-all" type can be quite misleading, it is possible to sketch at least three types of post-war situations (based on the outcome of war and the nature of the peace agreement) that may warrant different strategies and responses to peacebuilding. A distinction is made between (a) self-enforcing, (b) mediated, and (c) conflictual peacebuilding. Sudan is an example of a "mediated" case, but with some special features that set it apart from other "mediated" cases such as Mozambique or Cambodia. These include: a core bargain that may invite particular tension; the existence of multiple conflicts (e.g. Dar Fur) and, therefore, potential "spoilers" that may feel their grievances have not been addressed; and uncertainties regarding the behaviour of neighbouring states. On the other hand, the overall prospects for peace now appear more encouraging than they have ever been. The North-South divide is being bridged by a variety of contending interests in the north which are also challenging state legitimacy and addressing the same issues (inequities, need for democratisation) that are integral elements of the peace agreement.

Two major findings

An exhaustive study of peace implementation following agreements in 16 civil wars (1980-1997) has found that cases of peace implementation differ dramatically in terms of (a) the difficulty of the implementation environment and of (b) the willingness of international actors to provide resources and risk troops.

The environment must be sufficiently benign to conclude a peace agreement and to build peace. The three most important sources of failure are (1) the presence of spoilers – factions or leaders who oppose the peace agreement and use violence to undermine it; (2) neighbouring states that oppose the agreement and assist the spoilers; and (3) the presence of easily marketable valuable commodities like timber and gems (spoils).

However, if internal and external factors do not fully converge in favour of peace, there may still be a settlement if there is sustained third party involvement. As the difficulty of the

implementation environment increases, there is need for greater scope, assertiveness and strategic coordination. An important lesson is that in the most difficult environments, peace implementation has only succeeded when a major or regional power perceives peace to be in its own vital interest.

Such findings carry important messages for the Sudan. First, as the country must be regarded as a difficult environment, it will be crucial to generate sufficient trust and confidence in the post-war order and to transform the negotiated agreement into a deal that can be "owned" not only by the parties that signed the agreement, but also by those who did not take part in the talks, including civil society and the Sudanese population at large. The choice of interventions must be informed by their likelihood not only to impact on the North-South conflict but on other conflicts as well. Implementation of the agreement on oil will be critical for the peacebuilding process.

Second, sustained and focused international attention will be critical to maintain the momentum of the peace process. There will be a need to keep the country on course in response to events on the ground and the non-linear character of these transitions. Key elements to be monitored will be political: the extent to which the parties adhere to their key political promises. As the reality of peacebuilding in the Sudan (as elsewhere) lies in power and politics, interventions by outsiders must be sensitive to the inevitable politics of the process. Tying aid to the steps by the recipients to implement the peace accord and consolidate peace (*peace conditionality*) is a likely option to be pursued.

Third, regional conflict in the Horn of Africa has more often than not been the by-product of internal conflict. To sustain the framework for peace, regional states must be convinced that peace in the Sudan is a collective good that can reduce cross-border problems of all kinds, ranging from ideologies and refugees to the export of violence. A main determinant will be the approaches by the Sudanese parties themselves towards neighbouring states.

Economic recovery and reconstruction

Decision-making for economic policy needs to take peacebuilding issues into account, just as policy in other areas must recognise the importance of economic sustainability in the longer run. Particular demands of the post-war phase justifies unusual procedures of flexibility and it may often be necessary to finance certain programs deemed necessary to sustain the peace although they may clash with the economic "logic" of donors. The idea of "pro-poor growth" should, therefore, be complemented with the idea of "pro-peace growth".

In southern Sudan, "everything" is needed, but there will be major capacity constraints that may paralyse the peacebuilding process unless priorities are decided upon and long-term capacity-building efforts quickly started. Employment generation is an essential but neglected aspect of peacebuilding. It is particularly critical to reintegrate volatile groups (ex-militia/soldies, refugees/IDPs). In the Sudan, the extent of damage and neglect of physical infrastructure invites employment-intensive reconstruction with maximum local inputs. Access to land is also a significant issue and one of the root causes of several conflicts (including in Dar Fur). It needs to be addressed, also because the return of IDPs may increase conflicts over land in many areas.

Governance interventions

Both parties to the Sudan peace agreement have committed themselves to democratisation and the devolution of powers. The report reviews lessons from governance interventions in post-war situations in order to strengthen accountability. The following areas are covered:

- Constitution-making
- Watchdog institutions
- Truth commissions and criminal justice procedures
- Local governance
- Security sector reform
- Electoral processes
- Civil society organisations
- Grassroots projects: empowerment, cooperation and dialogue

Their relevance for peacebuilding efforts in the Sudan is briefly discussed. Among the main points are (a) the need for a participatory and inclusive constitutional review and drafting process that could lead to a new constitution defining the outline and underpinnings of a "new" Sudan; (b) the need to consider local capacity-building for human rights and reconciliation as an early priority in peace implementation; (c) the need to give priority also to civilian security through judicial and police reform; and (d) the need to reverse two centuries of centralised decision-making through measures based on the notion of cooperative rather than competitive devolution. Furthermore, many will regard the upcoming elections as an important peace dividend if they are conducted in an open, free and transparent way. There may, however, be an element of uncertainty regarding the possible outcome of the elections unless efforts are made to prevent the peace process from being derailed by e.g. one of the parties to the agreement being defeated by an alliance including the other party.

It is also argued in the report that earlier experiences with formal democracy in the Sudan have failed to prevent the state from becoming a vehicle for particularistic interests and a continuous source of conflict. A core issue fuelling the civil wars has been the failure of state structures to accommodate the conflicting demands on them by rival groups. Experiences from elsewhere in the Horn of Africa also indicate that it will be a challenging task to transform the SPLA from being a guerrilla movement to a political party complying with principles of democratic governance. While democracy cannot be easily be designed, particularly not by outsiders, there is still considerable potential for constructive institutional design, policy choice, and changes to the culture of politics, which can make democracy more responsive to problems of inequality and conflict. *What matters most, however, is the overall commitment to political and social inclusion, rather than the political formulas by which it is brought about.* This is a major challenge in the Sudan.

Cross-cutting issues and challenges

Given resource limitations, implementers need to prioritise among subgoals. However, there is no clear agreement on what constitute *sequences and priorities* in successful peacebuilding. One school of thought emphasises that security must come first, particularly the demobilisation of soldiers and demilitarisation of politics. Unless it is achieved, civil wars cannot be brought to an end, and other goals have little chance of success. Alternatively, some claim, establishing institutions of the political authority that gives legitimacy to the use of force has priority. Other experts find that in difficult cases, something else must happen first in order to establish either authority or security. Structures or processes must be created that generate a sense of security, which in turn makes demilitarisation possible. This latter view is

supported by a large and diverse literature that claims that conflict resolution requires building mutual confidence and ease of communication. In its absence, the "security dilemma" will prevail to produce mutual escalation.

The implication for post-war reconstruction is that peacebuilding strategies in various sectors may be a road to eventual demobilisation and demilitarisation. In difficult cases, a diffusion of strategies may be more promising than concentration on key security or political sectors.

The time perspective is also important. Some problems must be addressed early in order to demonstrate that peace has indeed returned (e.g. repatriation of refugees), or because peacebuilding is impossible without them being addressed early (e.g. an administrative infrastructure for governing). With respect to institutions of accountability, the pace and sequence of interventions are more variable. Accountable, democratic governance can be secured by various means. Early elections can be crucial for peacebuilding in some cases, whereas in other cases, it might be advisable to delay elections until the peace process is affirmed.

Building of "*trust*" and efforts to generate a sense of "*reconciliation*" are of central concern in post-war contexts. At the "thin" end, parties co-exist peacefully without imminent threats of renewed violence; at the "thick" end, there is a comprehensive reconstruction of social bonds and real confidence in the post-war order. In the Sudan, it will be important for the parties to develop at least a minimal degree of trust and mutual confidence during peace implementation. However, processes of reconciliation will be required between different parts of Sudanese society. This applies also to interethnic relations on local and regional levels.

While the principle of *ownership* is widely accepted, the problem of implementing it in practice reflects several enduring dilemmas related to (a) the imbalance in capacity and resources; (b) demand for effective use of resources and quick results among aid agencies; and (c) tension over policy content. Nevertheless, recipient governments can aggressively assert their authority over the reconstruction program, as demonstrated in Rwanda and Afghanistan.

Coordination is often complicated by the fact that several agencies and actors are typically involved in various activities. While external coordination is particularly critical in difficult environments, donor-government and inter-ministerial coordination is also important, often not achieved and sometimes even overlooked.

Inevitably, *aid* has political effects. It can alter the balances of power within and between opposing groups in the recipient country and can either exacerbate social divisions or help to bridge them by fostering inclusive economic growth and an inclusive political environment. Given the limited capacity that will prevail in the Sudan, particularly in the south, it becomes important that aid does not contribute to the erosion of the state, local NGOs and civil society organisations. Capacity building and support must be an important concern when providing aid to the Sudan, oriented towards those capacities that are necessary for establishing public authority and effective governance. The technical and administrative training of civil servants should be part of this effort.

There is one process rule for working in conflict environments so as to build peace: *The choice of interventions must be informed by their likelihood to impact on the conflicts, and thereby on the peacebuilding process.* It follows that an essential requirement for taking

conflict relevance into account is knowledge of local social and political conditions. A recurring problem in countries emerging from war and conflict is the absence of *baseline data* on which to conduct analyses (incl. conflict assessments) and build needs assessments, national development plans and public services. This will be a major problem in the Sudan and must be addressed both in the short run and for longer-term purposes.

On a final note, *the importance of individual leaders* for the peacebuilding process is emphasised. This applies to the position of the SRSG as well as other foreign actors with sufficient knowledge, wisdom, persistence and patience to make a difference in a difficult situation. More than anything else, however, the future of the Sudan will depend on national and local leaders who, rather than representing factional identities, are able to transcend the dividing lines that have proven so destructive during the country's troubled history.

1. Introduction: purpose and scope

This report examines lessons from peacebuilding efforts during the last decade or so that are relevant to the current challenges in the Sudan.

When combatants in civil wars sign a peace agreement, there is potential for progress: long-standing wars with staggering costs can be brought to an end and people gain the opportunity to rebuild shattered lives and societies. The peace agreement between the Government of the Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) represents such an opportunity - for major change and sustainable peace. But the potential for harm is also great. The two worst outbreaks of massive violence in the 1990s – Angola in 1993 and Rwanda in 1994 – followed the failure of peace agreements to end those wars. In both cases, the death and destruction were staggering. War went on for eight years in Liberia and took 150,000 lives because multiple peace agreements failed to end the civil war there. In 2001, Angola found itself at war again after the failure of another peace accord. Enormous destruction and killing continued in the Congo despite a peace agreement reached in 1999.

In all of these cases, international actors mediated the agreements and were given prominent roles in the implementation. Why did they fail? And how did the failures differ from successes such as Namibia, El Salvador, or Mozambique? Was success the result of less challenging environments, or did local and international actors do things differently?

Answers to these questions vary, partly because different criteria are used for judging success and failure. Thus some argue that only one UN operation in the 1990s – Namibia – has been successful in creating the conditions for long-enduring peace. However, there is now a fairly large and growing literature that we can draw upon, arising from the experience in internationally assisted transitions from war to peace since the early 1990s. In general terms, this literature shows that the direction of developments in the post-war phase is shaped not only by the conflict itself, but also by the nature of the peace agreement and the international commitment to the agreement and its implementation.

As a term, "peacebuilding" came progressively into use in the 1990s and typically refers to a set of transitional activities to implement peace agreements after civil wars. Activities normally include managing the transition from relief to economic recovery and longer-term development; return of refugees and displaced persons; security sector reform (demobilisation, reintegration and reform of the militaries, de-mining, reform of police and the legal sector); (re)constructing social and economic infrastructure; (re)building political institutions for democratic rule; and promoting human rights and accountability for past violations in a system of transitional justice. A main objective is to "encourage the development of the conditions, attitudes and behaviour that foster and sustain social and economic development that is peaceful, stable and prosperous" (Smith 2004:5).

This report will not provide a comprehensive review of all these areas. Rather, themes have been selected that would seem to be particularly relevant for the situation in the Sudan and that lend themselves to comparative analysis. It does not spell out in detail how the different issues may have to be worked out in a post-war Sudan context. Rather, an important purpose is to direct local implementers of the peace agreement as well as involved foreign actors to what should be some of their central concerns.

2. Post-war situations: how special is the Sudan?

While general formulas may be of some use (see particularly World Bank 2003: *Breaking the Conflict Trap*), policy prescriptions based on a "one-size-fits-all" type can be quite misleading. Following a theme paper made by CMI for the annual UNDP-CMI Bergen Seminar (2004), it is possible to sketch three types of post-war situations based on the outcome of war and the nature of the peace agreement. Different types may warrant different strategies and responses to peacebuilding.

(a) self-enforcing peacebuilding
The war is fought to a decisive victory, with the defeated party often territorially displaced. As a result, there is considerable consensus on the constitutive issues of the post-war order. Civil wars that end with successful separation fall in this category (East Timor, and earlier Eritrea). The successor authority typically has strong claims to rule and establish what is considered relevant democratic and legitimising structures. In such situations, early rather than late introduction of democratic institutions is often preferable. The role of the international community is essentially secondary and supportive in relation to cementing the peace (hence "self-enforcing").

(b) mediated peacebuilding
The war is fought to a standstill that ends with a compromise. The modalities of the post-war transition are incorporated in the peace agreement, which represents at least a minimal consensus on constitutive issues for the nature of the post-war order. Yet mutual distrust remains, the agreement is fragile, spoilers may be waiting in the wings, and the protagonists maintain their respective military forces. Bosnia, Mozambique and Cambodia are cases in point. In such situations, sustained and focused international attention is critical to maintain the momentum of the peace process (hence "mediated case"). Implementation of governance measures as provided for in the agreement must be assessed in relation to the uncertain peace and key elements of the agreement. It may well be advisable to delay elections until the peace process is affirmed. In some cases, however, elections may constitute a critical mechanism for the transition from war to peace (e.g. in Mozambique, where elections were the vehicle for getting Renamo "out of the bush").

(c) conflictual peace building
The war ends with military victory of one side, but the peace settlement does not incorporate the defeated party and/or the populations associated with it. Many original causes of the conflict are unresolved and there is no authoritative framework for what should be the basis for rebuilding society. Afghanistan (post-Taliban) is a case in point. In this type of situation, conflict is embedded in the post-war situation and the concept of "post-conflict" is clearly misleading. Addressing the unresolved political issues is critical to improve both security and conditions for economic recovery. No easy or ready-made formulas suggest themselves, except for one process rule: The choice of interventions must be informed by their likelihood to impact on the unresolved political conflicts.

The typology is not exhaustive, and some cases will not fit easily in any box. The categorisation nevertheless encourages policy measures that are sensitive to the type of situation where they are applied.

Sudan is an example of a "mediated" case, but with some special features that make it different from e.g. Mozambique or Cambodia. First, the accord's core bargain is likely to

invite tension, simultaneously building national institutions to preserve the unity of the Sudan while creating an autonomous southern entity that may eventually secede. Second, the number of potential "spoilers" is high, including those who feel marginalised by the current peace process. Thus conflicts elsewhere in the Sudan (e.g. Dar Fur) could potentially bring down the entire peace effort if war spreads or gains support among those who feel their own grievances have not been addressed by the agreement. Third, it is still uncertain how neighbouring states will behave during the peacebuilding process. Thus at least one country in the region (Egypt) is likely to work against a process whereby southern Sudan may eventually achieve independence. While being of a "mediated" type, peacebuilding in the Sudan, therefore, will also have a number of conflictual elements that represent serious challenges to peacebuilding efforts.

3.   Two major findings

Probably the most exhaustive study of peace implementation to date has been carried out by the International Peace Academy (IPA) and Stanford University's Center for International Security and Cooperation (CISAC). It includes 16 case studies of every peace agreement in civil wars between 1980 and 1997 where international actors were given prominent roles in implementation (Stedman et al. 2002).

The study found that cases of peace implementation differ dramatically in terms of (a) the difficulty of the implementation environment and of (b) the willingness of international actors to provide resources and risk troops. These differences, according to Stedman (2002: 664), "are predictable *before* a peace operation begins".

The implementation environment

The environment must be sufficiently benign not only to conclude a peace agreement but also to build peace after an agreement has been signed. The notion of "ripeness" is often used in this connection. A conflict is ripe for resolution, according to Zartman (1995), if the parties have reached a "hurting stalemate", perceive only worse ahead, and are offered a way out. The concept of "ripeness" can also be applied to indicate the commitment of the parties to (re)build institutions and engage themselves to sustain peace after the violence has ended.

The peacebuilding efforts of the early 1990s that turned out to be relatively successful – in the sense that substantial violence did not resume and the main provisions of the peace treaty were implemented within reasonable time – followed conflicts that were ripe for resolution. El Salvador and Mozambique are cases in point. In both cases, the international context also favoured a resolution. Both the superpowers that had directly or indirectly aided the local protagonists decided to reduce their support, mainly for reasons related to the winding down of the Cold War.

According to Stedman, the two most important environmental sources of failure are (1) the presence of spoilers – factions or leaders who oppose the peace agreement and use violence to undermine it – and (2) neighbouring states that oppose the peace agreement and assist the spoilers. A third environmental determinant of implementation is (3) the presence of easily marketable valuable commodities like timber or gems (spoils).

Regional developments are particularly important in the confluence of factors that create the "ripening" peace process. The evidence from several cases is clear: "The success of a peace settlement is inextricably tied to the interests of neighbouring regional powers and their

overall commitment to the peace process" (Hampson 1996). Neighbouring states can, if not make, then certainly break a peace agreement. They are uniquely positioned to undermine a core element of the peacebuilding process – the ability of the state to have a legitimate monopoly of armed force – by providing sanctuaries and secret conduits of arms, training etc. to rebels. Hence even if regional actors do not actively support joint peacebuilding efforts, their acquiescence in a given agreement is essential (Suhrke et al.2002).

Sustained third party involvement

If internal and external factors do not fully converge in favour of peace, there may still be a settlement. In such cases, and in order to obtain "ripeness" during the peacebuilding process itself, *sustained third party involvement* is critically important. Various forms of attention are needed. Third parties must try to anticipate future problems that the peace agreement did not address and which may undermine implementation. Monitoring events and providing reliable channels of information can help build confidence, reduce uncertainty, improve communication and defuse alleged violations. Attention at all three political levels – internal, regional, and the wider international system – is essential (Suhrke et al. 2002).

As the difficulty of the implementation environment increases, there is a need for greater scope and assertiveness of the (often transitional) authority that is supplied or supported by international actors. There is also a greater need for *strategic coordination*. When international actors and/or local implementers lack unity, spoilers can take advantage to attack the peace process. Similarly, the more coercive the strategy, the greater the civil-military tensions in implementation and the greater the need for strategic coordination.

Sustained third party intervention is particularly important in internal wars that end with a negotiated compromise rather than total victory and capitulation. Statistically speaking, these wars are more likely to restart as one or the other party seeks to undo the compromise in their own favour (Stedman 1997).

However, "tough cases" will often deter the UN from engaging itself unless some members have particular interests in the area. According to the findings of the IPA/CISAC project, the required resources, involvement and strategies are often not forthcoming because no major or regional power perceives peace to be in its own vital interest. The study found that *only when such interest is present has peace implementation succeeded in the most difficult environments* (Stedman et al. 2002). Stedman even concludes that without great or regional power interest, the United Nations can only succeed in the least difficult environments. And: "when selecting what peace agreements the UN should implement, great power or regional power interest should be treated as a hard constraint" (ibid.).

The study's two overall findings carry important messages for the **Sudan**. There are at least three points to be made.

First, many observers will regard the Sudan as a difficult environment. After all, civil war has been fought there for most of the period after independence with only a brief spell of peace (1972-83). There are multiple conflicts in the country and the choice of interventions must be informed by their likelihood not only to impact on the so-called North-South conflict but on other conflicts as well. If not, the peace agreement is likely to be undermined by spoilers with grievances they feel are not being sufficiently addressed. Peoples of the Sudan cannot afford another peace which is merely a truce between civil wars. It will, therefore, be important to *make peace as inclusive as possible* and to transform the negotiated agreement into a deal that

can be "owned" not only by the parties that signed the agreement, but also by those who did not take part in the talks, including civil society and the Sudanese population at large. In order to create a favourable implementation environment, the importance of *peace dividends* is often emphasised. Such dividends are not easily operationalised and they must not substitute for critical review and a concern with sustainability. However, it will be crucial to generate trust and confidence in the post-war order, at least in the minimal sense that threats of renewed violence and human rights violations are removed or considerably reduced. The parties to the agreement must share primary responsibility for this.

Second, sustained and focused international attention will be critical to maintain the momentum of the peace process. Conflict is embedded in the post-war situation and addressing unresolved political issues is critical to improve both security and conditions for economic recovery. There will be a need to keep the country on course in response to events on the ground and the non-linear character of these transitions. The role of the UN, the IFIs as well as the troika (USA, UK and Norway) that helped broker the negotiations leading up to the agreement, will continue to be important, as will the efforts of other bilaterals. There will be a particular need to keep the structure of incentives in place during the implementation phase of the agreement.While it is generally agreed that the international community has made progress in recent years in the actual capacity to plan and implement the emergency phase of a peace mission, there is still a capacity gap in sustainability (a focus on crisis, rather than long-term development) as well as insufficient capacity for policy - manifested in e.g. the growing menu of activities and agencies engaged in a peacebuilding mission and including the apparent inability to engage sufficiently with the politics of the peacebuilding process (Woodward 2004).

Interventions by outsiders must be sensitive to the inevitable politics of this process and not, for the sake of interventions alone, get ahead of the local political dynamics. Even an effective disarmament, demobilisation and reintegration (DDR) program requires deep and current knowledge of the political context and its dynamics, such as the particular interests and organisational capacities of militias, whom to demobilise, whom to train for a new army and police, the effect of war-time on the assumptions made for reintegration, details of the bargaining during peace negotiations, and local mechanisms for security that have survived the war, developed during the war, or traditions that can be revived. Sudan will be no exception.

The reality of peacebuilding and reconstruction in the Sudan as elsewhere thus lies in power and politics. The developmental prospects of the entire country depend in large measure on what coalition of interest groups succeeds in dominating the peace and whether this coalition of interest groups does or does not reflect largely development-oriented needs, those that support a progressive economic and social development.

A third point needs to be made on *the regional situation*. While the Sudanese conflicts have mainly been the result of internal conflicts, there has been active external involvement from the beginning. Thus when the second war started in 1983, its principal backers were Libya, south Yemen and Ethiopia, countries that later allied with the Sudan government. Egypt has always voiced its opposition to the possible prospect of a new state formation on the Nile and is likely to continue to do so. Eritrea has had a hostile relationship to Khartoum during recent years and provided facilities for the Sudanese opposition in Asmara, while Kenya has played an important role in the peace process and Uganda has enjoyed good relations with SPLM/A, less so with Khartoum which has been accused of supporting the Lord's Resistance Army.

Regional conflict in the Horn of Africa has more often than not been the by-product of internal conflict. To sustain the framework for peace, regional states must be convinced that peace in the Sudan is a collective good that can reduce cross-border problems of all kinds, ranging from ideologies and refugees to the export of violence. Peace in the Sudan could in fact be momentous for the Horn of Africa. A main determinant will be the approaches by the Sudanese parties themselves. If the GOS and SPLM/A are narrowly concerned with their own internal security and political power base, and see the neighbouring countries as tactical allies in these manoeuvres, then little will change. However, if the parties are able to make a regional peace and security order a priority, then there is a historic opportunity which may also help to strengthen the credibility of IGAD, the African Union and NEPAD (de Waal 2004).

4.   Economic recovery and reconstruction

According to a recent review (Woodward 2002), there has been no systematic analysis of the contribution of economic factors to success or failure in implementing peace agreements. Some studies, however, claim that some peace agreements (e.g. Namibia, South Africa) have been achieved at the cost of ignoring the economic issues that led to war. While this is not the case for the agreement for the Sudan, at least when it comes to the issue of "wealth sharing", it is not uncommon that peace agreements do not address major economic issues at all.

Just as political reconstruction has to take into account specific country conditions and the nature of the civil war, economic reconstruction must start from the basic conditions of the economy in question (Suhrke et al. 2002). They include:

- *Level of development*, which has implications for e.g. capacity to absorb large aid funds (including vulnerabilities to distortions).
- *Level and type of war damage*, which require proper needs assessments.
- *The economy of war and alternative opportunities*. To reverse lucrative war economies has proven extremely difficult, especially if employment generation and alternative opportunities in the regular economy are few and slow to develop.
- *The capacity of the state apparatus*. Poor post-war countries may have limited public sector capacity to handle major reconstruction programmes and an influx of foreign aid.
- *Special needs of the peace process*. Some peace processes may require special economic measures to address the underlying causes of the conflict.

The economic "logic" of the IFIs' pressure for prudent macro-economic management, especially to avoid hyperinflation in the immediate post-war period, frequently clashes with the political "logic" of peacebuilding to finance certain programmes deemed necessary to sustain the peace (e.g. a large civil service in the transitional government in Cambodia, an expensive demobilisation programme in El Salvador, a special fund for Renamo in Mozambique). Compromises have been found at times, and the World Bank in particular has been increasingly prepared to acknowledge that the particular demands of the "post-conflict" phase justifies unusual procedures or flexibility. Conceiving of peacebuilding as a temporary activity helps to soften the trade-off. More fundamentally, it means that decision-making for economic policy needs to take peacebuilding issues into account, while policy in other areas must recognise the importance of economic sustainability in the longer run (Suhrke et al. 2002). The idea of "pro-poor growth", then, should be supplemented with the idea of *"pro-*

peace growth" as an important consideration. This would seem to be particularly relevant for the upcoming PRSP process in the Sudan.

Many observers and actors underline the importance of ensuring that the distribution of "peace dividends" be equitable. Otherwise, old or new divisions can easily be mobilised by dissatisfied parties to undermine a newly signed peace accord. Moreover, if important issues related to inequalities (such as access to employment, education, health, land etc) are not addressed initially, then macroeconomic policies and growth patterns may easily institutionalise such inequalities and make them more difficult to change at a later stage. In many areas of the Sudan, access to land is a significant issue. It is one of the root causes of the war in Dar Fur and the return of IDPs may increase conflicts over land in other areas as well. The land commissions that are referred to in the wealth sharing agreement provide means for the orderly settlements of land conflicts, but it will take time to get started and it might be necessary to give priority to certain areas of the country. Implementation of the agreement on oil will obviously also be very important for the peacebuilding process (see above on "spoils").

A World Bank evaluation (1998) has confirmed that rebuilding physical infrastructure is a critical need in most post-war situations. The sectors typically most important for facilitating recovery are well-known areas such as roads, transportation, power, telecommunications, basic housing, water and sanitation. For the Sudan, a report by the Center for Strategic and International Studies (CSIS 2004) recommends as a pro-peace measure that a "connection lens" be used when identifying priority reconstruction tasks, including through encouraging expanded people-to-people dialogues. While donor funds for infrastructure programmes are likely to flow to war-affected areas as a priority, programmes that connect various parts of the Sudan, including the northern and southern part, should be conducted. This would be in line with the commitment of the parties to make unity an attractive option.

Employment generation is an essential but neglected aspect of peacebuilding (Woodward 2002). Employment is critical to reintegrate particularly volatile groups (ex-militia/soldiers, refugees/IDPs) and to create a sense of confidence in the future that will help to demilitarise politics. In the Sudan, the extent of damage and neglect of physical infrastructure, particularly in southern Sudan invites employment-intensive reconstruction with maximum local inputs.

One major recommendation of a CMI report on peacebuilding strategies for Afghanistan (Suhrke et al. 2002) was for "a careful start and a long-term perspective" in reconstruction. The main reasons were to allow for Afghans themselves to plan, prioritise and own their reconstruction programme, and to reduce the risk of new conflicts on how to divide the spoils of peace. Past experience in this regard is ambiguous. In Angola, there may have been insufficient financial incentives for peace, while in Mozambique, the volume of aid overwhelmed the national capacity to absorb it. In Cambodia and Kosovo, a heavy international presence and a policy of channelling aid through central institutions created economic and political distortions, while aid for rural development was insufficient.

While the type and modality of aid may matter more than the volume of aid – in terms of making or breaking a peace process – international aid can undermine the principle of sustainability (see below). In the Sudan (particularly in the south), there will be major capacity constraints that may paralyse the peacebuilding process unless priorities are decided upon and long-term capacity-building efforts are quickly started. In order to sustain efforts, post-war governments must also be encouraged to identify and tax potential sources of

revenue as soon as possible. Even when a country is destitute, an aggressive taxation policy can produce significant results as happened in e.g. Cambodia. While the treasury of the new Government of Southern Sudan (GOSS) is likely to be comparatively well off due to a combination of oil revenues and aid funds, the situation may become more difficult for the national treasury in Khartoum, mainly because the central government will be committed to a number of new and additional costs. The serious debt issue (USD 21,1 billion by the end of 2003) must also be addressed.

5. Lessons from governance interventions in post-war situations[1]

Throughout the negotiations both parties to the Sudan agreement have acknowledged the need for broader participation in the governance of the country and committed themselves to "democratisation" and the "devolution of powers". There will be a number of committees established so as to implement the agreement on these important issues.

Accountability is a prerequisite for good governance and a functioning democratic system. To secure that political leaders "play by the rules" – act in accordance with their mandate and do not violate citizens' rights – is a concern in all societies aiming to secure a democratic form of government.

Accountability divides in two distinct categories:
- *Horizontal accountability* refers to the tripartite division of state power between the three branches of government as well as the range of other public entities (often called special agencies of restraint or "watchdogs") created to check the abuse or inefficiencies of the state.
- *Vertical accountability* denotes the chain of institutions and processes that link the elected ruler to the electorate and citizens. It includes citizens acting through the electoral process or indirectly via civic organisations and the media.

Strengthening **horizontal accountability** in a post-war context typically involves interventions and external support in the following areas: constitution-making, watchdog institutions, transitional justice, local governance, and security sector reform.

Constitution-making

New constitutions have been promulgated in some post-war situations, and the results are mixed. At its best, constitution-making can generate social consensus on constitutive issues and simultaneously serve as a healing process in deeply divided societies. At its worst, it can be a quick-fix legitimacy exercise that gives the incumbent a thin veil of legitimacy but remains a dead letter – an instrument that is abused or ignored – and thereby discredits the democratic process itself. The critical factors in this regard are *time* and *how* the constitution is made (Hart 2003). Conflictual post-war situations require comprehensive, slow and cautious processes; this is less important in the self-enforcing cases.

While the constitution-making in South Africa is widely regarded as a model for divided societies, it is worth noting that the slow (almost seven years), cumbersome and participatory nature of the process was at the heart of its success. Three recent cases where the international

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[1] This part of the report has been adapted from the CMI theme paper for the annual UNDP-CMI Bergen Seminar 2004 (CMIb).

community has supported post-war constitution-making depart sharply from the South African model. In Rwanda, Afghanistan and East Timor, the constitutional process was rapid, involving limited negotiations with the parties concerned and mostly pro forma public participation.

- In Rwanda the main phase of the constitution-making was implemented in 2002 and completed in May 2003 by a referendum. Planned in detail by the RPF government that came to power after the 1994 genocide, the process invited public participation even before a constitutional text was drafted. The resultant document is widely considered a 'victor's constitution' and did little to heal the gulf between the Hutu and the Tutsi communities.
- In Afghanistan the constitution-making process was railroaded through in less than one year. There was international pressure to meet the timetable specified in the Bonn Agreement of December 2001 and it was hoped that a new constitution would give legal legitimacy to the foreign-installed and foreign-financed government of president Karzai. While the process entailed some give-and-take among the political parties – and the use of the traditional *loya jirga* mechanism did confer some legitimacy – there was considerable concern that the process was manipulated and that it swept under the rug the country's deep social and political divisions. A historic opportunity to generate greater consensus through deliberation was lost.
- The constitution-making process in East Timor was also quick, lasting only about one year. It was driven by the Timorese desire to assume sovereign authority over own affairs and by the UN's concern to terminate its costly, direct administration of the territory. In the East Timorese case, however, the speed and perfunctory public participation mattered less as the process unfolded against the backdrop of considerable social consensus.

The Machakos Protocol envisions the immediate drafting of an interim constitution after the peace agreement is signed, but does not define the outlines of that process. In the CSIS report (2004) it is convincingly argued that the lack of knowledge and involvement in the peace process among the Sudanese population may threaten to undermine the peace agreement, and that a constitutional drafting process could help fill this gap, allowing for effective information exchange and the broader involvement of civil society and other actors that have been marginalised during the war and peace process. A constitutional drafting process, if done in an inclusive and participatory way, could lead to a new constitution defining the outline and underpinnings of a "new Sudan" (2004:28). According to the agreement, a National Constitutional Review Commission will be established no later than six weeks after signing. While membership has not yet been decided, the considerations of the CSIS report should be treated very seriously.

Introducing watchdog institutions

The concept of 'watchdog institutions' appeared with the emergence of the 'new democracies' in former socialist states and one-party states in the South. The watchdogs were intended to complement other institution of restraint on the state (parliament, civil society, courts, etc). The concept is relevant to several kinds of post-war situations.

- '**Rights watchdogs**' are critical where the state has been associated with exceptional violence (particularly against civilians and suspected enemies) and where some of the alleged violators remain in positions of power (e.g. in Guatemala and Afghanistan). National human rights commissions have become a typical feature of post-war

settlements, and some have the international high-level support that facilitates their work without endangering the lives of their members.

- '**Reform watchdogs**' have been established to oversee implementation of peace agreements that entail reforms of the state administration – particularly army, police and the legal system – and prescribe a political transition involving elections and/or constitution-making. Reforms of this kind touch basic issues of power in post-war society, and even concerted attention from the international community may not enable the watchdogs to do more than bark (e.g. Bosnia and Mozambique).
- '**Audit watchdogs**', such as audit institutions and anticorruption commissions, were a feature of some of the 'new democracies' designed to ensure accountability in state economic management. They have not been a characteristic ingredient of post-war governance measures, although there is a strong rationale for including them.

According to the IPA/CISAC study (2002), an early priority in peace implementation should be "local capacity-building for human rights and reconciliation". Promoting human rights is a confidence-building measure, and as such is essential to establishing a foundation for post-war, democratic governance. In this area, there is clearly also some way to go in the Sudan. While at least three different non-governmental human rights bodies have been recognised by the government, in addition to the National Assembly's own Human Rights Commission and a Human Rights Advisory Council, there have been no regular reports issued by these bodies on the human rights situation in the Sudan, nor any instances of public advocacy of causes to do with human rights violations (Abdelwahab El-Affendi 2002). The Sudanese Human Rights Organisation is banned and works from exile in Cairo. In brief, there has been no credible and effective advocacy on human rights issues in recent years. A new Human Rights Commission will be established as part of the peace agreement, but its mandate remains to be defined. According to the agreement, human rights will be "reflected" – not incorporated – in the interim constitution. Clearly, civil society organisations and NGOs may also play an important role in monitoring the human rights situation in different parts of the Sudan.

Truth commissions and criminal justice procedures

A survey of 27 countries that have had truth commissions or criminal justice proceedings involving massive human rights violations shows that most have chosen commissions, and some have had both. Some have experienced renewed violence, but not necessarily for reasons relating to the fact or form of accountability processes for past violence. We do know, however, that demands for justice can refuse to fade over time: in Argentina, courts are now reopening prosecution against human rights violations allegedly committed by the military over 20 years ago (Skaar 2005).

The reasons why countries react differently to questions of transitional justice are also reasonably well known. International criminal tribunals are adopted when this suits the strategic interests of the large powers, hence used for the former Yugoslavia and, for minimal consistency, also in Rwanda, but not in East Timor (opposed by the US) or for a long time in Cambodia (opposed by China). Mixed tribunals at lower cost are being tried with some promise of success in Sierra Leone. Another variation is a combination of national with international courts, including traditional legal procedures (the much-discussed *gacacas* in Rwanda).

National responses to transitional justice are primarily determined by the outcome of the conflict. When the violence ended with a compromise settlement, truth commissions tend to prevail; when the conflict ended with a clear victory and defeat, legal proceedings tend to be

used. Many Sudanese have argued that a reconciliation commission should be established where all issues resulting from the conflicts can be raised and settled, and that use should be made of the indigenous systems and leadership in this process. In many situations, however, (e.g. Congo, Angola, Mozambique), such commissions have not been established and it has been felt as a more urgent priority - and the only politically viable option - to reconstruct society and to improve the conditions of the livelihoods of the people rather than to dwell upon the past war and its atrocities.

Promoting local governance

A decentralised approach is commonly held to be particularly important in post-war contexts where central governing structures are weak or remain contested. Local structures then become critical for providing goods and services, particularly for vulnerable groups, and to promote local-democratic processes. Experts nevertheless warn that no activities at the local level will succeed in the long run without a functioning national state structure. Thus a primary determinant of success in sustaining a peace process and preventing a resumption of war or an interminable stalemate, must be that a country is capable of running itself and is a functioning member of the UN system (Woodward 2004).

Design and political motivations are important factors determining the effect of decentralisation and local governance programs. Central-local (or regional) relations are typically sensitive and may be complicated by hidden agendas. Paradoxically, perhaps, the central government may use formal programs of decentralisation to enhance its control on the local level, e.g. Museveni's transformation of the Resistance Councils in Uganda, and the National Solidarity Program of the Karzai administration in Afghanistan.

Externally initiated programs of decentralisation must be particularly carefully designed if they are going to work. In Somalia, UNOSOM II pursued a "bottom-up" strategy to establish district and regional councils that would elect members to the national transitional government. The councils were to be seen as a democratic counterforce to the 'warlords'. In practice, however, the district councils became empty shells largely devoid of authority, mainly because the Somali warlords and other leaders preferred a "top-down" approach. In Bosnia, the system imposed at Dayton turned out to be overly decentralised and reproduced the structural faults of the former system. The overall result has, among other things, been a decrease in the quality of service delivery and mono-ethnic dominance of local power (Woodward 2002).

Community Driven Development projects (CDD) have generally been effective in establishing or expanding essential social services and physical infrastructure at the local level. On the other hand, poor and socially excluded groups often have difficulties in responding to the opportunities created by CDD-type projects. Established authorities may prevail, or even be strengthened with the infusion of new funds. The experience with regard to the role of women is mixed. Including women in community-based organisations in Rwanda worked generally well, while less so in Indonesia (Strand 2003). Addressing the needs of vulnerable or less privileged groups may often require more targeted and supply-driven approaches. Applying the model to post-war situations entails particular challenges if villages have been divided or if resources are distributed unequally among previously hostile areas. Giving the communities' new resources to dispose of under such conditions can generate new conflict unless appropriate structures of cooperation and reconciliation are established. Experiences from Indonesia and Afghanistan show that frameworks for dispute mediation at the local level may bring together divided societies.

In brief, the fortunes of decentralisation as a technique for managing conflict have been varied. In Bosnia, decentralisation of powers to the different entities, cantons and municipalities has been extreme, yet for the most part it has ratified ethnic cleansing rather than resolving the underlying conflicts. In contrast, decentralisation in South Africa has not made serious inroads into the powers of central government, presupposing a notion of *cooperative* rather than *competitive* devolution (Bastian and Luckham 2003). The overall lesson is that decentralisation must be tailored to the specific requirements of peacebuilding in the country's particular national context.

For the Sudan, many will argue that earlier attempts of decentralisation have done little to reverse two centuries of centralised decision-making, one reason being that administrative powers and responsibilities have not been coupled with sufficient economic resources. On local levels, the "native administration" that used to function quite well in several parts of the country (until the 1970s), also in the important area of natural resource management, has not been substituted with institutions with the necessary resources, competencies and legitimacy to resolve conflicts and generally run the affairs of diverse communities and regions. The extensive political autonomy agreed for the GOSS will change things in a major way and could also be applied to other areas of the country although this is not envisioned so far. However, many of the national conflicts have been played out at the local level in different parts of the Sudan. Local tensions can be reduced by rehabilitating the older institutions that regulated inter-group relations. As stated earlier in this report, land is a significant issue in many parts of the country. But attention will also have to be paid to establishing clear areas of responsibility between local forms of administration at the province and regional/state levels to avoid the build up of some of the broader tensions that led to the civil war (Manger et al. 2003).

Security sector reform

The concept of security sector reform (SSR) emerged in the late 1990s as a first major attempt among donor agencies to formulate a coherent policy approach to security issues and security institutions. The security sector was broadly defined to include institutions of police and justice, defence (private and public military organizations), and civilian control and oversight.

SSR usually has two tasks: (i) reform security institutions in order to increase their effectiveness, and (ii) ensure that these institutions are governed in accordance with the principles of democracy and civilian oversight.

There is no fully shared international understanding of approaches required to assist security reforms. Development agencies define and approach security work in keeping with their differing institutional mandates, organisational priorities and administrative constraints. The most cited success cases are South Africa and some Latin American countries. The process here was to a large extent home-grown and driven by domestic actors, thus underlining the importance of participation to create legitimacy. Transforming the defence sector in South Africa has taken more than 8 years and is still not completed. Six drafts of the South African White Paper on Defence were prepared for comment by military officers, parliamentarians and members of the public. Its finalisation took 18 months and the following consultative Defence Review just as long. In Guatemala, a UNDP supported project for dialogue on defence issues has helped to create the needed political space within society to discuss military reform.

Finding appropriate entry points to SSR is important. In Uganda, the UK used Uganda's Defence Review as an entry point by broadening the review process to include other security actors and concerns than those of national defence strictly speaking. PRSPs might also function as participatory frameworks for SSR. In Cambodia, the non-governmental community has incorporated various security issues in its submission to the PRSP process. In Guatemala, however, the military has not been sufficiently included in this process, and overall the experience of using PRSPs to promote SSR has been disappointing (INTRAC 1996).

SSR remains an underdeveloped and contested concept among aid agencies and donors. The 'war on terror' has probably weakened one key SSR element, namely the emphasis on governance and civilian oversight. The efforts have instead focused on strengthening the capacity of the security institutions, especially the police and the armed forces, often in ways similar to traditional military assistance.

Disarmament, demobilisation and reintegration (DDR) programs often take place immediately following a ceasefire or peace agreement between warring factions. Together with issues such as control of small arms and mine clearance, DDR are at the core of SSR and critical in peace building more generally. Substantial "DD" programmes have been funded and supported by international and national donor agencies and security forces. However, while the first "D" is particularly difficult to accomplish in situations where there is a proliferation of small arms, the most difficult dimension has often revolved around the neglected "R". DDR will only be successful when the ex-combatants have been effectively reinserted into civilian society. To succeed, such programmes must overcome critical economic, social, political and psychological barriers to re-insertion. Families of ex- combatants will also require support, as well as wives of ex-combatants, disabled combatants, and those requiring medical screening for HIV/AIDS and other illnesses. A main difficulty of demobilisation programs have been to identify beneficiaries for assistance.

The area of security reform is clearly very important in the Sudan. Civilian security through judicial and police reform should be an early priority. In addition to redeployments of GOS and SPLA forces (which will be monitored by an international monitoring force), demobilisation of soldiers will also proceed in parallel, also likely to be monitored by an international force. Militia forces must also be dealt with as soon as possible as the proliferation of small arms tends to fuel conflict and increase the likelihood of violence.

Vertical accountability is influenced by a variety of factors. Vital interventions in post-war contexts focus on the election system, building a civil society and supporting grassroots initiatives.

Supporting electoral processes

The objectives of post-war **elections** are typically to:
- move the conflict from the military battleground to the political arena;
- transfer power or legitimise the power of a government than can start rebuilding the country; and
- initiate and consolidate the democratisation process.

There is increasing awareness that ill-timed, badly designed or poorly run elections can undermine both peace and democratisation in post-war situations (UNDP 2003). In fact elections may function as a conflict-generating element. Timing of elections is a critical

determinant of the outcome (as every Prime Minister knows). In post-war situations, timing must take into account the degree of continuing conflict in society, as discussed above, as well as the willingness and ability of alienated parties to return to the military arena. Basic security is a precondition for holding elections that are minimally meaningful at all, whether security is provided by foreign peacekeepers or progress towards demobilisation/ demilitarisation of the contending parties.

Political contestation requires a set of minimal prerequisites, such as freedom of expression, movement, and organisation and existence of political parties that can field candidates and mount election campaigns. Some observers claim that these are conditions that post-war societies tend to lack (Kumar 1999:10). This is true in cases that lack Western-style democratic traditions (e.g. Cambodia), or where a post-war military victor rules (Rwanda). Elsewhere, as in Central America, the war itself served to heighten political consciousness and mobilisation; hence, providing one necessary ingredient for democratic contestation.

In the Sudan, many will regard the elections that are likely to take place half-way through the interim period, as an important peace dividend if they are conducted in an open, free and transparent way. As such, elections will be the ultimate instrument to complete the transition from government by appointment to government by popular will. However, there may be an element of uncertainty regarding the possible outcome of elections. At present, the contracting parties have assured for themselves 70% of all seats in all levels of government (80% if we take account of cross-regional allocations). This is understandable for the interim period, but any elections are likely to see them lose much of this margin. It might even happen that one of the parties to the agreement is defeated by an alliance including the other party. Work is needed to ensure that this would not threaten the peace process.

The **electoral system** has profound impact on representation and governance. The critical factor is the electoral formula which determines how votes are translated into seats. In post-war situations, the main test is how the system handles challenges of reintegration and representation. Experience from ethnically divided societies is relevant here. There is broad agreement that simple majority rule is not an effective form of democracy for such situations. A system which requires an absolute majority may induce alliances between political parties during the electoral campaign, but may also create permanent minorities. Proportional representation and power sharing techniques which encourage broad-based governing coalitions are more appropriate (Barkan 1998; Sisk 1996; Vengroff 1993). Power-sharing arrangements can be abused by colluding elites, however, and are most successful in managing conflict when:
- they are embraced by a core group of moderate political leaders who are genuinely representative of the groups that they purport to lead;
- the practices are flexible and allow for equitable distribution of resources;
- they are indigenously arrived at, not agreed upon as the result of excessive external pressures or short-term, zero-sum expectations of the parties; and
- the parties allow a more integrative and liberal form of democracy to evolve.

If power-sharing is made permanent in a new Sudanese constitution, there must be safeguards that it does not entrench social divisions between communities, block institutional innovation and diminish democracy. Again, the concern here is not with the details but with the prospects for forms of governance that will bring the Sudan in a decidedly positive direction.

Promoting civil society organisations

Many donors support *human rights organisations* that build rights awareness on grassroots levels. These are often anchored in a national human rights commission, or human rights monitoring linked to larger peace commissions (as in Nicaragua). Human rights work on the micro-level of this kind has been important, yet its overall effectiveness is highly dependent upon macro-level support in the form of national policy and international assistance. Support for development of human rights organisations in Cambodia on both local and national level has, for instance, been considered a major success and achievement. In the Sudan, a fairly large number of civil society organisations have emerged in recent years (such as women's groups, charities and religious associations). They need to be supported as crucial actors in a peacebuilding process.

National, institutional support is necessary to establish the principle of no impunity through firm prosecution of violations. In the case of refugees returning to conflictual post-war situations, both national and international support is required to establish a reasonable absence of fear. Fear of reprisals was a main reason why Hutu refugees were reluctant to return to Rwanda after the genocide. In Bosnia, it took concerted efforts by the international community – including provision of incentives to both refugees and local authorities – to encourage returns to areas that had been 'cleansed' (Uvin 2000).

Grassroots projects: Empowerment, cooperation and dialogue

Several projects in war-torn societies have been designed to *empower victimised and traumatised communities.* Projects of this kind have been established to assist the indigenous people in Guatemala, who suffered enormously from systematic violence perpetrated by the 'security' forces during the war. One project, for instance, sought to strengthen the Mayan people's capacity to articulate their interests in policy discussions.

The theory that personal contact reduces hostility – amplified by the conflict transformation theories of Lederach (1997) and Kriesberg (1998) – has informed numerous projects. The assumption is that participation in common projects and structured interaction among previously divided communities will help restore (or create) positive social relations. Cooperative projects of this kind have been particularly common in the post-war Balkans. Evaluations of cross-ethnic contact groups of youth and NGOs suggest they have been effective but – as in the case of grass-roots human rights initiatives – vulnerable to renewed conflict on the national level. As stated above, the CSIS report (2004) also makes recommendations for the Sudan in this area.

Recognising that peace must be built from below as well as from above, South Africa pioneered the use of *grass-roots peace committees*. Designed to foster tolerance and prevent violence on the local level, the committees were linked to a regional-national structure. They have since been emulated elsewhere (e.g. Sri Lanka and Nicaragua), and are generally considered important in contributing to conflict management in deeply divided societies (Kumar 1999:9).

The prospects for democracy in the Sudan

One of the main recommendations of the CSIS report *"To Guarantee the Peace: an Action Strategy for a Post-Conflict Sudan"* (2004) is that donors must begin to press for "the liberalisation of autocratic governing structures in both southern and northern Sudan". According to the report, neither the GOS nor the SPLM/A have been empowered by

democratic elections. Several violations of human rights are well documented in both regions, though the north is considered the worst offender. Freedom of assembly, freedom of speech, and the formation of political parties have been stifled in both areas.

While many will agree with this recommendation, the international community will be well advised to consider the historical background for the current situation before pressing for changes that may otherwise be short-lived and therefore unproductive. First, post-independence Sudan has seen several democratic governments, i.e. governments that came to power on the basis of elections. But Sudan-style democracy has done little to prevent the state from becoming a vehicle for particularistic interests and a continuous source of conflict which has robbed it of its consensus-building character. A dilemma of earlier Sudanese democracy has been its tendency to slip into majority tyranny, particularly with respect to the South but also with respect to other areas of the country. Also, the stable ethnic-religious identity support for the three major parties before 1989 (Umma, NIF, DUP) meant that there was practically no (democratic) way to change the government.

A core issue fuelling the civil wars has been the inadequacy of the state structures to accommodate conflicting demands made on them by rival groups. Such restructuring requires agreement on a basic set of rules which will make it possible for the parties to exist in the same public arena without violent conflict. In brief, there is clearly a need to construct new imaginative structures that are less conflictual and more accommodating of local autonomy and social values. A constitutional review process will be crucial whereas hasty democratisation, if based on insufficient knowledge, may precipitate a new crisis, just as formal democratisation in Sudan has often coincided with the intensification of civil war.

Regarding SPLM/A, experiences from elsewhere, including the Horn of Africa, clearly indicate that it will be a challenging task to move from being a guerilla movement to a political party complying with principles of democratic governance.

A major lesson from the literature is that democracy cannot easily be designed, and particularly not by outsiders. But there is still enormous potential for constructive institutional design, policy choice, and changes to the culture of politics, which can make democracy more responsive to problems of inequality and conflict. *What matters most, however, is the overall commitment to political and social inclusion, rather than the political formulas by which it is brought about.* This is clearly a major challenge in the Sudan.

6.   Important cross-cutting issues and challenges

Pace, sequencing and portfolio mix of interventions

The pace of reform is critical. The UN and the rest of the international community typically want quick results to satisfy organisational demands, to reduce costs and avoid open-ended commitments, and because it is widely accepted that peace dividends in the form of rapid results are necessary to sustain the peace process. Many measures, however, require a longer time frame if they are to function as genuine social processes. Relevant cases in point are constitution-making and the timing of elections.

As "peacebuilding" in the 1990s became an increasingly attractive label for mobilising funds, NGOs and aid agencies typically claimed that a particular subgoal, be it disarmament, elections, human rights or refugee repatriation, was critical to the peacebuilding effort.

However, there is no clear agreement on what constitute sequences and priorities in successful peacebuilding.

Given resource limitations, however, local implementers and international actors need to prioritise among subgoals, so that resources are best spent to end the war and provide a basis for lasting peace. It is not just that pursuing many goals is more costly than pursuing a few, but that attempting to achieve unrealistically high standards of success for any one subgoal can also be infinitely expensive. This may apply particularly to the situation in southern Sudan where, at the outset, "everything" is needed.

One school of thought in this debate emphasises the need to focus on a particular sector, and that security must come first. Thus according to Stedman (2002), and based on the IPA/CSIAC study, "priority should be given to demobilisation of soldiers and demilitarisation of politics, that is, the transformation of warring armies into political parties". Unless it is achieved, civil wars cannot be brought to an end, and other goals have little chance of success. Implementers, still according to Stedman, should also invest early in civilian security, through police and judicial reform, and local capacity-building for human rights and reconciliation. The potential long-term benefits of these areas for peacebuilding warrant the relatively inexpensive investments that such measures require. Alternatively, some claim, establishing institutions of the political authority that gives legitimacy to the use of force has priority. Other experts find, however, that in difficult cases something else must happen first in order to establish either authority or security. As Woodward (2000) notes in the case of Bosnia, structures or processes must be created that generate a sense of security, which in turn makes demilitarisation possible.

This latter view is indirectly supported by a large and diverse literature that claims that conflict resolution requires building mutual confidence and ease of communication. In its absence, the logic of the "security dilemma" will prevail to produce mutual escalation (i.e. defensive positioning or rearming by one party is interpreted as a threat by the other party, which reacts similarly, etc.). This would seem to be a particularly relevant point for the Sudan. Both military and non-military measures can reduce the security dilemma. The presence of international peacekeeping forces can decrease uncertainty and improve communication. Joint participation in reconstruction projects, a start-up of reforms in the justice sector, a functioning local administration and other measures may help create the sense of security that makes demobilisation and demilitarisation more attractive.

The implication for post-war reconstruction is that peacebuilding strategies in various sectors may be a road to eventual demobilisation and demilitarisation. This was the case in Cambodia. In such difficult cases, a diffusion of strategies is more promising than concentration on key security or political sectors. In practice, moreover, the presence of numerous and relatively uncoordinated aid actors tends to produce this result.

The relationship between security and other sectors is more straightforward. For example, a sense of physical security appears as a necessary, if not sufficient, condition for a large-scale return of refugees/IDPs. This has been observed in the Balkans, in southern Africa, Central America, and in the fluctuations of refugee flows in and out of Afghanistan since 1989.

The time perspective is also important. Some problems must be addressed "upstream" in order to prevent complications "downstream". Repatriation of refugees, for instance, has always been an early peacebuilding activity, and not only because refugees usually want to go

home when the war is over. Repatriation demonstrates that peace has indeed returned, and prevents a population in exile from being used by "spoilers" to undermine the peace agreement. Hence, early refugee return before the scheduled elections was important in Cambodia and return of displaced persons from West to East Timor an important concern. In the Sudan, peace is likely to trigger large-scale movement of people. On a more general note, however, there is not sufficient evidence from the literature to argue that lasting peace depends on refugee repatriation. In some cases, the absence of repatriation, especially when many refugees are resettled in third countries and remit funds back to their home country, can in fact assist the sustaining of peace (Adelman 2002). In the Sudan, remittances from the Gulf countries and elsewhere has been an important part of the economy. However, southerners have not generally been part of this pattern and their return from the north following a peace agreement is likely to be an early political priority for GOSS. An early return will require substantial resources, coordination and cooperation between the Government of National Unity (GNU) and GOSS. Still, movements of people will not be fully controlled by any government.

Restoring an administrative infrastructure for governing is an immediate task of post-war situations. Measures to restore a system of public finance, as well as legal and civil administration reform, are early but often time-consuming priorities. The same applies to human rights. Societies emerging from civil war are typically traumatised by exceptional violence. Restoration of a modicum of confidence in the ability of society to interact in non-violent modes is a precondition for civil governance of any kind. Demonstration of a commitment to human rights (against extrajudicial killings, torture, disappearances, and respect for habeas corpus) is critical to create this kind of confidence. Human rights thus appear as an early and continuous priority regardless of which sequence of governance interventions is chosen. In practice, the international community has been ambivalent, typically endorsing the establishment of national human rights commissions, but not giving high priority to the establishment of the rule of law (King's College London 2003), and letting political considerations determine positions on transitional justice (see section on criminal justice procedures above). In Afghanistan, for instance, the international community has downgraded the importance of both past and present human rights violations in the name of safeguarding stability (CMI 2004a).

With respect to institutions of accountability, the pace and sequence of interventions are more variable. Accountable, democratic governance can be secured by various means. For instance, if the post-war situation does not encourage early elections, other instruments of vertical accountability (e.g. media, civic organizations) and instruments of horizontal accountability (official 'watchdog' commissions, with or without international support) may to some extent compensate. In other words, different sequences and portfolio mix of governance interventions may produce the desired accountability.

Trust and reconciliation

Building of 'trust' and efforts to generate a sense of 'reconciliation' are of central concern in post-war contexts. *'Trust'* is an imprecise concept. The term is used loosely in the policy-oriented literature on post-war reconstruction and governance, but has no clear or common definition. In a general sense, 'trust' can be associated (negatively) with the absence of threats of renewed violence and human rights violations, and (positively) with confidence in the post-war order. Such confidence, in turn, depends upon a range of factors such as legitimacy of the post-war government, the relevance and effectiveness of the governance measures introduced,

the pace of economic reconstruction, including visible signs of broadly distributed peace dividends, and the macro-economic framework for peace.

On the micro-level, 'trust' is used mostly in connection with community relations, particularly efforts to restore or establish positive communication among communities or individuals that were previously divided by violence. As noted above, donors have supported numerous projects to this effect, such as human rights organizations, empowerment efforts, promotion of cooperation among divided communities, and peace committees.

Social trust and interethnic cooperation may also be generated as a by-product of rapid reconstruction. An analysis of different types of reconstruction projects concluded that the cooperation dividend was mixed (Kumar 1999). Micro-enterprises and small business companies helped increase family income, but did not generate many opportunities for interethnic interaction. Support to larger firms did result in some ethnically blind business ventures, with multiethnic staff, board of directors, and customers. The market economy thus had an integrative function. Large projects to rehabilitate physical infrastructure contributed to the political and economic integration of the region, which in turn was seen as a necessary – but not sufficient – condition for interethnic tolerance and trust.

Reconciliation can be understood to take at least three forms. At the 'thin' end the parties only co-exist peacefully; in a further development they listen and try to understand each other in the spirit of democratic reciprocity; and at the 'thick' end there is a comprehensive reconstruction of social bonds between victims and perpetrators. The last phase implies forgiveness and healing (Crocker 2000).

In practice there is no set or necessary sequence. Legal experts typically argue that restorative justice is necessary for reconciliation; other experts claim that criminal procedures may open old wounds and create new conflict. Since the outcome is difficult to measure – how thin or thick is the reconciliation? – disagreement persists.

Ownership

The principle of national ownership of the political and economic reconstruction process is widely accepted and repeatedly invoked as a primary lesson from the past. The problem of implementing it in practice reflects several enduring dilemmas:

- *Imbalance in capacity and resources* between specialized and well-funded international agencies and a society whose administrative capacity and resources have been depleted by war and often were poorly developed for a start. Most post-war reconstructions are dependent on heavy international financing.
- *Demand for effective use of resources and quick results* and *organizational interests of aid agencies* to be present and demonstrate that their programs are effective. These conditions also favour international controls.
- *Tension over policy content*: donors and aid agencies typically have political agendas that suggest desirable forms of reconstruction. In the governance realm, this includes human rights, secularism, and Western forms of democratization. These goals may conflict with those pursued by national authorities, in which case national ownership typically is sidelined (e.g. in relation to national transitional justice procedures in Rwanda and Islamic law in Afghanistan).

Recipient governments can nevertheless aggressively assert their authority over the reconstruction program, as demonstrated in Rwanda and Afghanistan. The Afghan authorities

did so partly by relying heavily on international consultant firms and NGOs to assist in the administration as well as implementation of aid projects. While this technically speaking preserved national ownership, it raised serious questions of cost, dependence and sustainability in the longer run.

Coordination

Coordination is often complicated by the fact that several large agencies typically are involved in various aspects, as well as different actors in the UN system, and numerous NGOs financed bilaterally through donors. The presence of a UN assistance mission led by a SRSG adds to the complexity. Given the voluntary nature of coordination, and the large number of actors in heavily financed post-war programs, the coordination function must have an institutional locus. This is sometimes the office of the UNDP Resident Representative, but in complex situations involving a UN mission with an SRSG, the latter may be the focal point for coordination.

In Afghanistan, donors and aid agencies acknowledged the importance of having a distinct coordination structure that initially was anchored in the office of the deputy SRSG. Without budgetary and staffing power over the agencies, however, the SRSG had little capacity to integrate the mission, and the IFIs were at any rate outside his formal authority (King's College London 2003). As a result, coordination followed the usual voluntary form. In an innovative move, the formal responsibility for coordination was subsequently taken over by the Afghan authorities. The transition was supported by donors, UNDP and OCHA. The move reflected in part the aggressive position of the Afghan Minister of Finance and his (foreign) advisors.

Strategic coordination – as distinct from tactical coordination of programs – entails the streamlining of policy interests of the external actors. In the governance field, a growing consensus among the major actors on what constitutes principles of good governance has lessened the challenge of strategic coordination. Divisions nevertheless remain. In Rwanda, donors were deeply divided over how far it could morally pressure the post-genocide government on any governance issue; in Afghanistan, donors are divided on how far to promote human rights and democracy if it endangers stability; and in the Balkans, Cambodia and Afghanistan important external actors have diverging interests and priorities. The 'war on terror' has further divided US and European actors on matters of when and how to introduce governance measures in the only two post-9/11 cases so far, i.e. Afghanistan and Iraq.

Not only coordination of external actors is required, however. Three levels of coordination can be considered of importance: donor-donor (external); donor-government; and inter-ministerial (Renner 2004). There has been increasing recognition of the principle that the host government must be assisted to take on major coordination responsibilities. It has even been suggested that UNDP should only support in-country, government-led development forums and not Round Tables and Consultative Groups (Renner 2004:2). Only rarely is there insufficient local capacity to build on.

The system of departmentally based consultative groups to coordinate activities in the various program areas has functioned unevenly. Much depends upon the leadership of individual consultative groups. Some donors, moreover, do not observe the rules established by the Ministry of Finance to declare their activities in the relevant program areas, and to concentrate on a certain number of program areas. Nevertheless, the framework seems promising (CMI 2004a). In both Afghanistan and Cambodia, the national development framework or

equivalent plan document has been used with reasonably good results as a strategic instrument for alignment of development assistance (Silovic 2004:8).

While often overlooked by external aid actors, inter-ministerial coordination in the recipient country is also critical. In Bosnia, UNDP launched a project that among other things aimed at "institutionalising communication among government structures on needs, priorities and gaps in an integrated manner" (Renner 2004:2). Similarly, an overall objective of the Serbian Aid Coordination Unit is to increase the capacity of line ministries in order to support the aid and development coordination process.

The role of aid

As far as is known, a systematic assessment or evaluation of past aid to the Sudan has not been carried out, which would have been most useful in a peacebuilding perspective. As Boyce has argued, "foreign aid is not always like water, which sprayed on the flames or embers of a conflict helps to extinguish them. Instead, it can be more like oil. Appropriate aid can help to build peace, but inappropriate aid can fuel war by deepening the social fault lines of conflict and by tilting power balances in favour of those inclined to resolve conflicts by violent means" (Boyce 2002: 267).

Such issues are particularly relevant for activities in southern Sudan. After the Addis Ababa Agreement (1972), it has been argued that NGOs unintentionally contributed to the erosion of a very weak state in the south, undermining not only its accountability, but also its legitimacy in the eyes of many of its citizens (Tvedt 1994). Given the limited capacity that will still prevail in southern Sudan, there is a real risk that such erosion of local capacity may happen again. This may also apply to local NGOs if the NGO landscape is dominated by large foreign NGOs (Suhrke and Juma 2002).

In the north, the GOS has been repeatedly accused of trying to manipulate the international relief effort to further both its economic and strategic goals in the war, but also by trying to harness the active collaboration of relief agencies through the ideology of development itself, which has been presented as both politically neutral and a strategy for peace. Thus, the argument runs, the GOS successfully restricted relief agencies to purely technical activity, divorcing them from the broader issues of rights and justice.

While the government as well as many agencies will object to this description, it compels us to recognise that aid inevitably has political effects. In the short run, aid can alter the balances of power within and among opposing groups in the recipient country. In the long run, aid can either exacerbate social cleavages, or help to bridge them by fostering inclusive economic growth and an inclusive political environment. The pursuit of these goals requires careful attention not only to the quantity of aid, but also to its qualities: the types of aid, to whom it is provided, and the conditions attached (Boyce 2002).

Boyce has argued that *peace conditionality* – tying aid to the steps by the recipients to implement peace accords and consolidate peace – can make aid a more effective instrument for peacebuilding. Donors have yet to incorporate it into its policies, however, and it requires profound reforms among aid donors, particularly in the area of aid coordination.

A principal conclusion of the CMI report on Afghanistan (Suhrke et al.2002) was to emphasise national structures and national solutions. In practice, international donors have often made their own needs assessments and allowed only for *pro forma* local and national

participation. This is not inevitable, however. Experience in several difficult post-war situations, especially Angola and East Timor, demonstrates that it is possible to engage larger sections of society in national programmes for reconstruction. Such a process requires some time, rather than rushing ahead with the blueprint plans of some international agencies. This often becomes a serious problem, not least when foreign donors give preference to high visibility rather than high priority projects.

It follows that capacity building and support must be an important concern for donors providing aid to the Sudan, oriented toward those capacities that are necessary for establishing public authority and effective governance for the transformative tasks of peacebuilding. The technical and administrative training of civil servants should be considered an important part of this effort.

Conflict assessment

A joint study of peacebuilding efforts supported by the *Utstein* countries (Norway, Germany, United Kingdom and the Netherlands) identified a major *strategic deficit* in their programs and projects (Smith 2004). More than 55 per cent of the projects do not show any link to a broader strategy for the country in which they are implemented. Some projects are not linked to a broader strategy because there is no strategy for them to be linked to. In other cases, the broader strategy exists but projects show no connection to it. Various security and socio-economic projects seem "strategy resistant" as if they need no strategic justification because their worth is self-evident. Planning is based on relatively little analysis. And there are important conceptual confusions and uncertainties. There are problems about the timing of financial flows. The influx of resources has unwanted effects in war-torn countries. The study also found that there was no way of reliably assessing the impact of peacebuilding projects.

The study makes a number of recommendations in the areas of policy, evaluation and research. It is e.g. recommended that conflict assessments/analyses as well as strategic impact assessments be part of the "tools" that should be immediately adopted, in addition to improved coordination and more and better applied research.

As stated earlier in this report, there is one process rule for working in conflict environments so as to build peace: *The choice of interventions need to be informed by their likelihood to impact on the conflicts and, thereby, on the peacebuilding process.* It follows that an essential requirement for taking conflict-relevance into account in a specific country is knowledge of local social and political conditions. There are different approaches and tools for making conflict assessments and it is not part of the TOR of this report to evaluate those tools and instruments. However, they must include *causal analysis*, not simply a record of outcomes, so that future decisions can be based on why an outcome succeeded or failed. They must also have a historical perspective and include micro-macro analysis, showing how different conflicts on different levels are, or are not, interrelated and affect each other. The point of such an exercise must be to identify key entry points for intervention.

Generally, a recurring plague of countries emerging from war and conflict is the absence of baseline data on which to conduct analyses and build needs assessments and national development plans and public services. At the same time, there is often a proliferation of data sources, including multiple but incompatible data bases on aid to the same country, that do not reflect strategic decisions about what data are essential, the reliability of the data base, and how the separate sources collate. As a consequence, there are often no reliable benchmarks to be used by governments and other actors when monitoring progress. The absence of baseline

data will be a major problem in the Sudan where there has been very little research conducted in most key areas during the last 15 years. In the absence of such data, there is a high risk that the urgency of peacebuilding will produce projects and programmes that are poorly planned and poorly implemented. It will require a great effort to remedy the situation, both in the short run and for longer-term purposes.

7.   Concluding remarks

In conclusion it must be recalled that peace as well as governance are processes, not products. This calls for a long-term perspective and a recognition that social engineering has distinct limits. Development assistance will become the most visible expression of a new era in the relations between the Sudan and the international community. External actors in particular need to be conscious not only of the different contexts in which aid will be provided, but also of the dilemmas of ownership and assistance that operate in post-war situations. While working in a policy framework that emphasises the principles of democracy – which entails local self-determination and ownership – aid actors have their own interests and procedures that may well conflict with local needs and interests. The imbalance in capacity and resources nevertheless gives the aid actors a dominant voice in the formulation of goals and policies, often leaving conflicts to be 'solved' on the ground through local non-compliance or resistance, or producing dysfunctional social consequences. The dilemma is inherent in all aid activities, but is accentuated by the sharp imbalance in resources and administrative capacity that typically exist in a post-war situation.

For the parties that sign the agreement, peacebuilding in the Sudan will be a challenging task. While it is commonly agreed that a peacekeeping operation will be required (for further discussion, see CSIS 2004), the agreement will to a large extent have to be self-policing: the parties will need to know that it is in their interest to make it work. This also means that the key elements to be monitored will be political: the extent to which the parties are adhering to their key political promises. As argued in this report, success will require a great deal of good will and cooperation between them. A minimal degree of trust is a precondition for good will. Hopefully, this will develop over time but may be complicated by their different visions of the future. While the parties are committed to making unity an attractive option to the people of South Sudan, it will be seen as important by SPLM/A to build institutions in the south that guarantee as much autonomy as possible. The GOS, on the other hand, will most probably want to use the interim period to reassert the authority of the state. Other conflicts in the country, if left unaddressed or poorly managed, will also make long-term peacebuilding extremely difficult.

However, the overall prospects for peace now appear more encouraging than they have ever been – despite the tragic developments in Dar Fur. The North-South divide, while forming the most distinct line of demarcation in the conflict, is being bridged by a variety of other contending interests in the north, which are also challenging state legitimacy and addressing the same issues of inequities and needs for democratisation that are integral elements of the peace agreement.

In the literature on peacebuilding, the importance of individual leaders is rarely emphasised; yet we have seen that this factor has proven critically important in virtually all peacebuilding missions. This applies to the position of the Special Representative of the Secretary General (SRSG) as well as other foreign actors with sufficient knowledge, wisdom, persistence and patience to make a difference in difficult situations. More than anything else, however, the

future of the Sudan will depend on national and local leaders who, rather than representing factional identities, are able to transcend the dividing lines that have proven so destructive during the troubled history of the largest country on the African continent.

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Summary

This report examines lessons from peacebuilding efforts during
the last decade or so that are relevant to the current challenges in
Sudan. While there is an emphasis on governance interventions, it
is argued more generally that three factors will be crucial for
building peace in Sudan. First, the peace agreement beween the
Government of Sudan and the Sudan People's Liberation
Movement must be transformed into a deal that can be "owned"
not only be the parties that signed the agreement, but also by those
who did not take part in the talks, including civil society and the
Sudanese population at large. Second, sustained and focused
international attention will be critical to maintain the momentum
of the peace process. As the reality of pecebuilding lies in power
and politics, interventions by outsiders must also be sensitive to
the overall politics of the process. Third, regional conflict in the
Horn of Africa has more often than not been the by-product of
internal conflict. To sustain the framework of peace in Sudan,
regional states must be convinced that peace in Sudan is a
collective good that can reduce cross-border problems, ranging
from ideologies and refugees to the export of arms and violence.
A main determinant will be the approaches by the Sudanese
parties themselves towards neighbouring states.

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