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Prospects of the SPLA/M's Transition into a Political Party in Sudan

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ABSTRACT

This paper argues that the predominant circumstances in Sudan are likely to prevent the Sudan People's Liberation Army/Movement (SPLA/M) from evolving into a political party. At present, the political class in the North has not reached a consensus on how to interact with the South. The government in Khartoum continues to nurture anti-SPLA Southern militias and to link the South's concerns with Darfur. The international community is also divided on how to best deal with Sudan. The interests of China and Malaysia appear to be linked to those of the government in Khartoum, while African, European and North American actors appear to favor the SPLA/M. This paper includes policy recommendations that emphasise a win-win perspective for all actors.

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INTRODUCTION

What are the prospects for the Sudan People's Liberation Army/Movement (SPLA/M) to transform itself into a political movement? This question raises several further questions concerning its underlying assumptions. Does the SPLA/M even want to embark on this form of transition? Is the political environment conducive to such a transition? Is there the trust needed to set the guns aside? Unfortunately, these questions presently have a simple and direct answer: No. The political context of Sudan does not allow for such a transition at present. There are Northern Sudanese movements that continue to 'other' or marginalise Southerners, sometimes violently. The Southern political environment also contains a group of competing pro-independence armed movements that are, ironically, aligned with Khartoum.

While the SPLA/M includes members from all the tribal and ethnic communities of Southern Sudan, it tends to be a more deeply Dinka movement. The government has historically relied on the Nuer to balance the Dinka, but this balance no longer seems to hold. The war generated a Southern Sudanese identity which has gone beyond the narrow tribal and ethnic identities that dominated Sudan since its establishment in the wake of the Egyptian invasion during the 19th century, but it is also very clear that there are many residual issues between the South's various communities, including the human rights violations committed by all sides.

The 1999 Wunlit Peace Conference and the government's deportation of Nuer tribes from Block 5-A led many Nuer and Dinka to reconsider the nature of their relationship. The Comprehensive Peace Agreement (CPA) followed a few years thereafter in 2005. Eric Reeves¹ predicted that Dinka–Nuer cooperation would transform the military picture and render the government incapable of defeating the South. Writing in 1999, Reeves predicted that the combination of the two tribal confederations would bring immense military resources to bear against the government's long supply lines and associated pipelines. The reconciliation between many and perhaps most of the Dinka and the Nuer opened up the possibility of a solid peace in the aftermath of a clear settlement of the relationship between Khartoum and the South. Such a settlement is critical for the SPLA/M's transition to a political movement. It was established as and remains an army. To become a political movement requires more than political will. In light of the fighting in Malakal and the unrest in Abyei during 2006 and 2007, it would appear that such political will probably does not exist.

The fighting in Malakal began in the context of the fighting in Darfur. The fighting, massacres and probable genocide in Darfur have had political ramifications in the South. The mechanism of this 'seepage' was the link created by the Sudanese government between the sustained implementation of the CPA and international inaction on Darfur. The events in Darfur are a further disincentive for the SPLA/M to disarm and move towards becoming a political party.

This study is basically pessimistic about the prospects of the SPLM/A's transition. At least on an official level, the SPLA/M disagrees with this prognosis. The Government of Southern Sudan (GoSS) water resources minister, Mr Joseph Jakok, told the author that the SPLA/M has achieved 'at least 40% of this goal already'. He also expressed optimism that the transition will take place despite the Southern paramilitary forces aligned with the Khartoum government.²

The complexity of the circumstances in Southern Sudan is partially but imperfectly outlined in this paper. First, the paper details the current political environment of Sudan, particularly in the North. Second, the nature of the SPLA/M is explained with regard to its ideology, programme and architecture. This section also explores the role of oil in the SPLA/M's demands. The third section discusses the functional methodology of the SPLA/M and its prospects for change. The fourth section discusses the international dimensions of the conflict, including the issues of oil, non-governmental organisations (NGOs) and the involvement of outside states. Overall, this paper suggests that the changeover of the SPLA/M to a political party cannot be completed without a clear settlement of the question of the relations between Khartoum and the peripheral regions of Sudan. Furthermore, as long as there are paramilitary movements associated with the government, it is very unlikely that the SPLA/M will give up bullets for ballots.

Despite this harsh outlook, it is important to keep in mind that a great deal of change has already taken place in the nature of the conflict in Sudan. The most negative scenarios, such as a return to full-scale civil war between the North and the South, are very unlikely at this stage. However, there are many other possible negative outcomes including a return to combat between various Southern factions, some backed by Khartoum, as well as a return to some form of civil war. The main challenge to Southern insurgencies in Sudan has stemmed from the Dinka–Nuer division, which has been at least partially ameliorated; the question that remains is whether the pro-SPLA Nuer will remain in apparent ascendancy within their community.

That the fate and future of the SPLA/M rests on the internal dynamics of the Nuer is further backed by the arguments raised by *Sayyid* Sadiq El Mehdi, head of the Umma Party and a leading opposition figure. El Mehdi argues that the movement is not likely to successfully transform from an army into a political party for three reasons: first, it lacks the capacity to coordinate its presence with the regular Sudanese army, leading to friction and misunderstanding. Second, there are both Northern and Southern forces that do not want to join either the Sudanese army or the SPLA and also lack coordination with their allies, thereby feeding the potential for additional conflict. Third, the SPLA/M is currently engaged in a war against splinter movements. Until this conflict is resolved, any real transformation is unlikely.³

THE POLITICAL CONTEXT OF SUDAN

The Sudan continues to suffer from serious security problems. The 2006 peace agreements with the Eastern Front rebels in the Eastern provinces, the White Lion Movement and the Beja National Congress, are not likely to snowball into an overall peace within the country as a whole. Darfur, the Nuba Mountains and other large pockets of instability will, for the foreseeable future, continue to haunt the country. It is in this difficult context that the SPLA/M has had to function and change from a military force to a civilian political movement, albeit one with significant military capability and a leadership composed of former guerrillas. The death of John Garang de Mabior forced the movement to address an unplanned leadership transition as well. In sum, the SPLA/M has been able to make progress in transforming itself into a political party, but continues to face significant challenges. These include its tribal/ethnic base, the need to deal with the Darfur crisis,

and the uncertain future of Southern Sudan, within or separate from the current Sudanese state.

The country's traditional elites are deeply divided on how to address the Southern and other regional movements. There are at least three competing tendencies within the ruling National Conference Party (NCP), the current vehicle for the Islamists who have ruled the Sudan since 1986. President Omar El Bashir leads a faction that advocates a hard-line approach to the Northern opposition, to demands for regional autonomy in the peripheral areas of Northern Sudan, and to the presence of international forces. In 2007, the president responded with overwhelming force to protests in the North by people who face displacement by the Merowe Dam project. A second faction is led by the president's maternal uncle, El Tayib Mustafa, and it advocates the unilateral separation of Northern Sudan from the South, leaving the South as the country's successor-state. The third faction, sometimes said to be led by the country's second vice-president, Ali Osman Taha, advocates a softer approach to regional demands as well as international pressure. These divisions within the Northern ruling party and El Mehdi's return to Khartoum have given the SPLA/M options that it did not previously have. At various times, the SPLA/M has stood with one faction or the other within the ruling party and at other times, it sought to align itself with the Northern opposition.⁴

The presence of former rebels from Darfur and now former rebels from the Eastern provinces in the Sudanese government in Khartoum is bound to improve the SPLA/M's tactical position in the capital's political machinations, at least in the short run. The results of the planned 2011 referendum may therefore be accepted by at least some in the North, regardless of the outcome. The significant international pressure on the Sudanese government also gives the SPLA/M additional bargaining power. The movement retains a following in two nominally Northern areas – the Southern Blue Nile and the Nuba Mountains – where the possibility for further instability renders its cooperation necessary to the government. As the situation in Sudan evolves, the SPLA/M's chances of achieving its declared and undeclared political objectives are likely to improve, provided that it does not collapse into a factional conflict or escalate its tensions with other Southern movements such as the South Sudan Defence Force (SSDF). For these reasons, the South–South dialogue between the SPLA/M and its Southern opponents are of crucial importance. However, some of these disagreements go beyond personality and are intimately linked to tribal and ideological differences or to varying views regarding the future nature of the Sudan or of the southern entity that may emerge from it.

THE SPLA/M'S POLITICS: VISION, LEADERSHIP, CONSTITUENCIES AND ARCHITECTURE

The SPLA was founded in 1983 to contest what Southern Sudanese elites saw as the encroachment of the Sudanese central government on the prerogatives and autonomy granted to the Southern region in the Addis Ababa Peace Accords of 1973. The introduction of Islamic law also fed the growing perception in the South that the Sudanese government represents the Arab and Muslim segments of Sudanese society to the detriment of all other communities in the country. The movement emerged following the rebellion of Sudanese Army Battalion 105, which was joined by many Southern Sudanese soldiers, including

John Garang de Mabior. Its objectives included equality and autonomy for all Sudanese, especially those of the Southern region. Its discourse has always been unionist and remains so, but it also used the mottos of secularism and equality, knowing full well that there are many in the North who would rather partition the country than accept either principle as a foundation of the Sudanese state.

The ideological and identity-based vision

The SPLA/M's goals are not limited to those openly declared by the organisation. It has several layers of goals and aims, some of which are basic and existential, while others are negotiable. In general, the SPLM/A was unusual because, although it is a Southern movement, it declared that autonomy rather than Southern independence was its goal. Its armed struggle, it argued, was for the purpose of creating a 'New Sudan' rather than a 'Republic of the Nile' – the goal of its forerunners in the *Anya Nya* (I and II) movements. During its 22-year struggle, the SPLA had to overcome the separatist forces of the *Anya Nya II* movements and its own splinter factions in the Nasir and Bahar al Ghazal SPLA.⁵ These movements were not convinced by the SPLA/M of the soundness of its positions by persuasion alone. Their incorporation into its armed formations came as a result of their military defeats at the hands of both the government and the mainstream SPLA. Garang de Mabior himself noted that more than half of the SPLA/M's soldiers came from the *Anya Nya II*.⁶ That many of the movement's rank-and-file come from organisations originally committed to an independent Southern Sudanese state suggests that the SPLA's position on a united Sudan may be more flexible than it currently appears. In fact, one of the primary reasons offered by the anti-SPLA/M factions for their stance against the SPLA/M was Garang de Mabior's stated belief in a 'New Sudan'. Put simply, the basic idea was that Sudan had to accommodate all its citizens regardless of ethnicity, language or religion. In Sudanese terms, this meant that the state had to cease being a purely Muslim and Arab state and become a country that embraces its plurality. Under Garang de Mabior, the movement also rejected Africanism in favour of 'Sudanism', which it argued was inclusive of the country's Arab and Muslim communities. For Francis Deng, a US-based senior Sudanese scholar, this Southern vision of Sudanese identity stands in stark contrast to the Northern interpretation of the Sudan as a Muslim Arab state in the same mold as Egypt and Yemen.⁷

After signing the CPA in 2005, the SPLA and its Southern Sudanese rivals signed 'The Covenant of the People of Southern Sudan', which reads like a statement of liberal values such as equality, inclusion and secular democracy rather than a political manifesto. Its central point is that the CPA must be implemented. Additional points include the continued unity of the Southern Sudan as a polity and inter-Southern reconciliation. The document carried the signatures of persons who had been Garang de Mabior's critics, including Bona Malwal, a former Sudanese minister and senior Southern politician, and Joseph Lagu, the last Field Commander of *Anya Nya I* and former Sudanese senior vice-president.⁸ The Covenant represents the normative aims that were agreed upon during the South–South dialogue. The SPLA/M's original discourse pointedly did not mention a 'Northern' or 'Southern' Sudan. Rather, the discourse reflected a rejection of the hegemony of one of Sudan's many cultures over the rest. However, the Covenant seems to suggest that the 'Southern' aspect of its agenda is alive and well. The SPLA/M has certainly moved away from some of its founding principles.

The Covenant also lays to rest some of the concerns raised regarding Dinka leadership and the aspirations of other tribes to avoid Dinka hegemony. As the leading community in Southern Sudan, with some 40% of the overall population, the Dinka are often feared by other Southern Sudanese. As early as 1992, Arabist academics such as Gill Lusk were predicting the collapse of the SPLA due to the democratic deficit within the movement and the tribal divisions within Southern Sudanese society. While it is very clear that the South remains a diverse place with differing interests and visions, it is also clear that the region increasingly thinks of itself as a unit and its people view the government in Khartoum as a bigger threat than their neighbours.⁹

The practical demands: Land, oil and autonomy

At its inception, the SPLA/M used Marxist discourse to justify its objectives. The language of core and periphery was pressed into the service of its cause. It was a strange form of Marxist discourse, because it was based primarily on the cultural distinctions within the Sudan and on the premise that the different levels of development within the country created areas which were more peripheral than others. Pro-Southern scholars like Peter Nyot Kok argued that the Sudan was a country run on behalf of its *Jellaba* – the Arab merchant class.¹⁰

Wealth redistribution has been an ordinary call for rebels throughout history. Oil reserves, initially discovered in the 1970s by Chevron Corporation and commercialised by the Malaysian Arakis Corporation, became a central object of the SPLA/M's arguments concerning wealth distribution in Sudan. The discovery of commercially viable quantities of oil also meant that the region began to attract the attention of other countries seeking to invest in oil. The Sudan now had a divisible asset that could be used to smooth the transition to a state of non-war. Gradually, the discourse within the SPLM/A shifted from the redistribution of wealth in the Northern 'core', to ensuring that the Southern Sudanese retained as much of their region's oil revenue as possible. This led to oil-related provisions in the CPA, which in theory assured the GoSS half the oil revenues from Southern oilfields. However, there have been problems with Khartoum concerning the implementation of this revenue division agreement. Khartoum is seeking to absorb oil-rich areas in the disputed Kordofan borderlands into the North. The central government is trying to avoid handing over oil-rich Abyei to the South in accordance with the decision rendered by the Abyei Boundaries Commission.¹¹

The SPLA/M-dominated GoSS responded to the central government's delays by issuing new oil concessions in the areas that it controls, thereby creating legal uncertainty for firms holding contracts with Khartoum. During the civil war, the SPLA did try to protect the South's oil fields. It openly told oil firms to stay away. While the West did, in general, respond to pressure from human rights NGOs critical of the Sudanese government, companies from Malaysia and China have been less concerned about the economic and political consequences of the attendant bad publicity.¹² Given the fact that oil is ultimately a territorial issue tied to land and who controls it, it is safe to say that the emerging pattern of oil infrastructure construction in Sudan is intimately tied to where the oil lies. What lies under Southern soil is likely to be exploited by firms that the new Southern government in Juba finds acceptable, and the same applies for Khartoum.

Consequently, the issues surrounding the implementation of the CPA's wealth distribution clauses remain very much on the SPLA/M's agenda and are likely to remain so

until there is a settlement on the issue of the extent of Southern Sudan's oil holdings. The positions held by pro-government politicians also suggest that they too expect the Southern Sudanese to vote for independence and that they are attempting to hold on to as much oil-rich territory as possible in the interim. This strategy may backfire, however, as these areas tend to be inhabited by Dinka, Nuba and Ngassana populations who are not likely to accept attempts to integrate their regions into the North. The issue of Southern autonomy is thus linked with the issue of the redistribution of national wealth. The geographic extent of Southern autonomy is now being contested by the central Sudanese government in order to prevent the South from benefiting from its oil wealth. As with many oil-based economies, corruption is a significant problem in Sudan, but not necessarily at the apex of power – the charge is often made by opposition movements sometimes without merit. The question of corruption is discussed further below.

Constituencies: Tribal and ethnic considerations

The SPLA/M draws its primary support from the Dinka tribal federation, but it also enjoys the support of many people in other tribes. Traditionally, the Sudanese government has tried to exploit the Nuer–Dinka divide to create domestic opposition to the SPLA in the Southern region. Until 1999, it was able to use the traditional rivalry of these two closely related Nilotic tribal federations against the SPLA/M. For example, the SPLA-Bahar-el-Ghazal of Reik Machar, one of the splinter movements that plagued the SPLA, was based on the Nuer anxieties about Dinka hegemony within the movement. In fact, virtually every split within the SPLA took place due to fears of Dinka domination.¹³ The Nuer–Dinka relationship is not a simple rivalry, because the two tribal federations have a long tradition of bride exchanges, which means that virtually all Nuer have Dinka relatives and many Dinka have Nuer people in their households. There are also internal Dinka clan divisions which served, from time to time, as the basis for splintering within the SPLA.

As the North began to exploit the South's oil wealth to feed its war against the South, Southern reconciliation became key to Southern survival in the Sudan. Consequently, both the Nuer and the Dinka realised that their survival was contingent on a united focus on their common enemy at the time, the Khartoum government. The Wunlit reconciliation conference between the Nuer and the Dinka resulted from this new mindset that was increasingly shared by the two tribal confederations.¹⁴ It also foreshadowed the South–South dialogue of more recent times. In addition to the Nuer–Dinka divide, the SPLA historically had difficulties selling its message to non-Nilotic peoples, particularly the peoples of Ecuatoria, such as the Azande. Although it was able to recruit troops from these populations, it also experienced defections.¹⁵

The 22-year struggle has also led to the emergence of a 'Southern' identity that defines the populations of the South as different and distinctive from Northerners. The SPLA's primary constituencies are the populations of Southern Sudan. This main constituency can be further divided into several categories: people from the South living in the North, people living overseas, SPLA soldiers, people living in Southern areas under SPLA control, and members of the organisation's women's, youth and Islamic wings. The SPLA has learned to play the *fatwa* wars against Islamists in the North who have anathematised cooperation with the South. In the wake of Garang de Mabior's death, the SPLM/A through its Islamic Council issued a Quranic response to a *fatwa* apostatising Northerners who cooperate with the SPLA.¹⁶

Increasingly, the Southern Sudanese diaspora is making its voice heard in debates surrounding the future of Southern Sudan. It is also clear that there is a large trans-tribal constituency for the separation of Southern Sudan from the North and/or a return to military struggle should the current attempt at peace fail. Other constituencies include Northern communities that are aligned with the SPLA, including the Nuba and the Ngassana. These groups seek to include their regions in the South for many reasons, but chiefly because they believe that a Southern state is likely to be secular and perhaps more tolerant of heterodox Africanised expressions of Islam than a government based on Sharia. Finally, the SPLA has a small constituency of ultra-secular Northerners who supported it during the war, including its official spokesman, Yasir Amran.

The leadership transition: Pro-unionists dealt a blow

While John Garang de Mabior did not establish the movement that developed into the SPLA/M, he certainly organised and led it. He also articulated its ideology and helped shape its discourse. In many ways, the movement is a direct descendant of the South Sudan Liberation Movement (SSLM) and its *Anya Nya* military wing. Like the older movement, the SPLA/M had authoritarian and less than democratic leadership structures. Since both movements were established by the rebellious Torit garrison of the Sudanese Army, they tended to emphasise military culture, especially hierarchy and obedience. Given the difficulties of shaping fighting units out of diverse tribal and ethnic populations, Garang de Mabior's methods can be forgiven. His sudden and unexpected death is now being lamented by many in the North, including the Sudanese Communists, who feel that his absence is taking a toll on the possibilities for solving the crisis in Darfur.¹⁷

Garang de Mabior ran the SPLA/M as a personal fiefdom. In various tribal ceremonies, allegiance was sworn to him by Dinka and other Southern Sudanese chiefs. His walking stick was more often a sceptre than an aid for walking. His own deputy, Salva Miyardit Kiir, accused him of carrying the SPLA/M 'in his briefcase'. Kiir's criticism was certainly fair and did not lead to a split within the organisation. Garang's death was not good news for the Sudan and the transition to Kiir's leadership was one that was fraught with danger, though ultimately smoother than had been expected. Kiir replaced some of Garang de Mabior's loyalists while retaining others. He encouraged the process of South–South dialogue and was able to persuade the SSDF, a pro-government Southern militia, to rejoin the SPLA fold.¹⁸ The transition from Garang to Kiir reflected the military nature of the SPLA – it acted as any army would, when its leader dies.

Kiir ensured the election of Garang's widow to the Southern Parliament and began playing the same roles as his late leader. Garang de Mabior had to play many roles, including that of Paramount Chief of the Southern People, which necessitated the adoption of a royal persona. Within the context of war, the role meant that he had to use his charisma to recruit, motivate and lead troops, as well as fundraise and develop outside political networks and alliances. Kiir also began to wear a beard, a hat and a walking stick/sceptre – in the manner of his predecessor. The message is that Garang de Mabior may be gone, but that there is continuity through Kiir, his successor. Kiir abandoned his earlier reputation for preferring an independent Southern Sudan in favour of some of Garang's discourse. Yet it is not clear whether Kiir has enough prestige to persuade the population of the South to keep within a unified federal Sudanese state. It is now nevertheless clear

that the transition from Garang de Mabior's leadership to Kiir's is complete and successful although it may have come at the expense of a united Sudan.

Architecture and internal organisation: A classic national liberation army

One of the last internal actions taken by Garang de Mabior as the SPLA/M's leader was the dissolution of several structures that were used by the movement during its armed struggle. Their utility and purpose had been made redundant by the CPA. During the war, Garang de Mabior dominated the organisation but was aided by a parliament-like National Liberation Council and a 16-person executive called the SPLM Leadership Council. These structures have been replaced by the GoSS and the organs provided for in the CPA, such as the Southern Sudanese Assembly and the governors of the ten Southern states.¹⁹

The SPLA/M closely follows the cell structures used by insurgent political movements worldwide. During the war, it functioned as a quasi-government in the areas that it controlled, but operated clandestinely in areas controlled by the government, including the capital, Khartoum. Its structures also reached the local, or *boma*, level. At the military level, the SPLA was organised along brigade and battalion lines with battalion commanders as members of the SPLA's General Military Command, which fell under the General Headquarters (GHQ) led by a commander-in-chief, formerly Garang de Mabior and now Kiir. Mindful that the Sudan is a profoundly religious country, the SPLA established the New Sudan Council of Churches and the New Sudan Islamic Council. These two bodies proved very useful politically in responding to Islamist attempts at defamation as well as building global coalitions against the Sudanese government.²⁰

Until 1991, the movement also operated a number of professional schools to train cadres. According to a former Sudanese government diplomat, these schools operated informally and included a school dedicated to the study of politics, both internal and international. The SPLA aims to re-start these schools.

The Southern Sudanese diaspora provides another context for SPLA/M structures. Through the use of the internet and the liberal laws governing freedom of association, particularly in Western societies, the SPLA/M has been able to establish chapters in several Western capitals. These have been very helpful in creating constituencies that adopted the SPLA/M as an ally, particularly in the United States (US). The US Sudan Peace Act is a direct result of these efforts.

In short, the SPLA/M closely resembled the national liberation movements of the 1960s. Its military approach and doctrine bear more than a passing resemblance to doctrines developed by Mao and Giap. Its modus operandi is that of the pre-satellite television guerrilla movement, where political goals are pursued through the barrel of the gun. In contrast, many armed movements today appear to pursue existential or absolutist goals and seek to achieve these through publicity and even through violence as a 'performance art' that contains no clear military or political objectives other than the death of 'enemy civilians'. Like the earlier movements, the SPLA will face several challenges in transitioning from a predominantly military movement into a civilian political party. Ironically, the passage of Garang de Mabior may free the movement of some of its profoundly military legacy and open the door for non-Dinka Southern leaders of more civilian orientation – like Lam Akol (a Shulluk) and a Riek Machar (a Nuer) – to participate in the inner workings of the organisation more closely than in the past when they felt a need to form splinter movements.

HOW DOES THE SPLA FUNCTION AND CAN IT CHANGE?

At this stage, the transition in Southern discourse is not yet complete. The SPLA/M has not yet replaced its wartime 15-point programme which outlined its goals as well as its organisational structure. While it is important to note that the movement was very much a creature of its leader, whose charisma helped to give it substance, it is also important not to over-emphasise the personal role of Garang de Mabior. Viewed from another perspective, the SPLA/M represents the ambitions of Southern peoples in the Sudan in much the same manner as the *Anya Nya* and *Anya Nya II*.²¹

The SPLA/M manifesto

It is noteworthy that the SPLA/M's official manifesto, called *The Fifteen Point Programme of the SPLM*, has not been updated at the movement's official website to reflect the changes that were ordered by Garang de Mabior. The programme still contains references to 'Old Sudan', the National Islamic Front, and the claims on Southern Kordofan, the Southern Blue Nile states and Abyei. The organisation has yet to produce a text reflecting the CPA or the changes that have happened as a result of the negotiations at Naivasha in Kenya. This suggests that there is an ongoing debate among Southern elites concerning the nature of their relationship with the Government of National Unity in Khartoum.

Under Garang de Mabior, the organisation's discourse placed the CPA, South–South dialogue and reconstruction as its top priorities. There have been no major published works or speeches by Kiir, save those where he committed himself to the implementation of the CPA. It is noteworthy that the North is beginning to question the continued applicability of the agreement by holding it hostage to its policies in Darfur. In its current incarnation, the manifesto of the movement still assumes continued hostilities, and given the discourse used by some Northern factions, this may not be unwise. Put differently, if the movement is to suddenly civilianise itself, what guarantee does it have that the Northern government will not renege on the CPA like it did on the earlier Addis Ababa peace agreement in 1982/1983?

The official manifesto may also be hostage to Southern separatist sentiment – a change at this stage before the 2011 self-determination vote may cost the movement some support. This suggests that the SPLA/M may not be able to complete its transition from an army into a movement before the political circumstances in Sudan as a whole are stabilised. The movement needs to be certain about the North's intentions before embarking on a process that will see it move from a national liberation army to a political party. It may not serve the South's interests to do so, before the basic political struggle with the North is settled.

Financing

The SPLA/M enjoys the support of many overseas Sudanese, especially those of Southern extraction. In addition, it received the sponsorship of several foreign states, including Ethiopia, Uganda, Eritrea and the US. There have also been rumours of Israeli support. During the civil war, the movement issued its own currency for circulation in the areas it controlled and it collected taxes from these areas, generating an additional source of revenue for its operations.

Known US support includes funds that were granted by the Clinton and Bush administrations for support that was, initially at least, described as non-lethal. In 1996,

the Clinton administration granted the SPLA/M about \$20 million in order to pay for rice, boots and radio sets. Reports of more direct US support for the SPLA, including military advisors and Alpha teams, remain unconfirmed. It is clear, however, that the \$20 million represents a baseline figure. During his April 1996 visit to Addis Ababa, then US Central Intelligence Agency (CIA) director, John Deutch, noted that support for the SPLA/M had substantially increased.²² The period of the 1990s was the last transparent phase of US support for the SPLA, although it is certain that it continued.

To some extent, the financial question was not as crucial in Southern Sudan as it may be elsewhere. The guns and ammunition could be and were often captured from the government. Sanctuary was initially granted by Ethiopia and Eritrea as well as Uganda for the initial phase of operations. For projects that required cash, the SPLA printed its own money which it put into circulation in areas it controlled. It benefited from transfers from countries that were at odds with the Sudanese government, whose decision to host Osama bin Laden may have led to US financial support for the SPLA. In 1990, following the collapse of the SPLA/M's Ethiopian Marxist patrons and the takeover of Ethiopia by Eritrean and Tigrinya forces supported directly by Sudan, some believed that the SPLA/M was facing a cut-off of bases and financing as well as defeat. The ability of the organisation to survive the temporary loss of Ethiopian patronage suggests that it may not have needed funds as much as it needed weapons, food, munitions and other combat supplies.

If an army's basic needs can be classified as men, arms, food, training and motivation, a political party's needs' list always begins with money. As Jesse Unruh, the late speaker of the California Assembly put it, 'money is the mother's milk of politics'.²³ Funds will be needed for such things as voter appeals, political campaigning, and social rents in order to ensure voter support. Vehicles, radio and television time, microphones, brochures, banners and other campaign needs all require substantial sums of money. With the CPA and the US role in mediating it, it is unlikely that the US will remain as generous as it may have been previously. The CPA does provide a share of the oil wealth to the SPLA/M-dominated GoSS. Under the agreement, the GoSS should receive 50% of all oil revenues in the South and 50% of all other taxes collected in the South, in addition to the taxes that the SPLA/M itself levies. In theory, these funds should be sufficient to enable the transformation of Southern Sudan into a competitive multiparty polity.²⁴ The real test for the Northern government is the speed and sincerity with which it implements the agreement. Its attempts to move oil-rich areas in Abyei and elsewhere out of the South do not bode well for the prospects of peace.

In contrast to the current oil bonanza, Sudanese political parties have traditionally relied on tribal, ethnic, or religious foundations to be effective. For example, the Umma Party relies on the Ansar Sufi order founded by the Sudanese Mahdi of the 19th century. The National Democratic Unionist Party relies on the Khatamiya Sufi order. The SPLA/M is seen as a Dinka party with Nuer and Equatorian support at the present time. It can call on Dinka support, which would be forthcoming, but whether that level of financing would be enough to form a political movement is uncertain. It is probable that the transition to a political party will be a slow process that is unlikely to be completed until two conditions are met. First, the self-determination referendum must take place and yield a clear and unambiguous result. Second, the North of Sudan must decide how it wishes to relate to the rest of the country. Until these two conditions are met, it is very unlikely that the

SPLA/M will complete its transition to a political party. Therefore, the question of funding must be seen as contingent on that transition.

Internal democracy, transparency and corruption

A continuing problem associated with the SPLA/M is transparency. Its openly-published materials do not provide an accounting of its revenues and its expenditures. Its official website lacks a listing of its officers, its addresses or other contact information. This level of opacity is common among guerrilla movements such as the Kurdish PKK, but it also shows the difficulties of transition from an insurgency to a political movement. During the war, transparency would have been lethal, so the organisation's continued inaccessibility can be easily understood in that context. Given the continued lack of clarity surrounding the North's motives, the SPLA/M's obfuscation may be warranted.

The organisation remains dominated by its chief executive, Salva Kiir Miyardit, who has the power to appoint and remove members from positions of responsibility. Yet the record of splinter movements suggests that this is a limited power that is not deeply institutionalised. Machar, Matiep and other Nuer commanders felt free to form their own SPLA-splinters and other movements that sometimes allied themselves with the Northern government.

The SPLA/M has also been accused of corruption. On the face of things, this charge is not without superficial merit. The leadership did enjoy certain benefits – residence in upmarket neighbourhoods in the capitals of neighbouring countries; extensive international travel opportunities and access to better food and healthcare than most southern Sudanese. While similar benefits are normally accorded to the leaders of most organisations, oil can be a corrupting influence. Whether or not the SPLA/M has been corrupt remains an open question. In the Sudanese political context, it is common for politicians to use the charge of corruption as a basis for challenging the legitimacy of their opponents. For example, rumours circulated about the fortune, said to be about \$3 billion, embezzled by former dictator Niemeri until his overthrow. After his fall from power, Niemeri, then residing in Cairo, received assistance from Sultan Qaboos of Oman to pay his rent – clearly he had not stolen the funds he was accused of.

Opportunities for corruption within the GoSS and the SPLA/M will increase significantly once substantial inflows into the Southern treasury from oil developments begin to appear. The Khartoum government is currently delaying the transfer of funds to the South as a pressure tactic over the disputed borders in Abyei and other regions. In retaliation, the Southern Assembly began granting foreign oil firms new concessions, which are currently being blocked by Khartoum.²⁵ At present, there is very little money circulating for corruption to take root in the manner seen in other oil-based economies. As with all large organisations, the SPLA/M does have certain self-serving operatives. Their shortcomings have been documented to some extent, though more with regard to human rights rather than corruption.

Human rights violations

According to David Chand, a Southern Sudanese activist, the SPLA's human rights violations have rendered it an unacceptable partner for some Southern Sudanese, especially Nuer factions.²⁶ Chand's perspective finds some support in the Human Rights Watch 2003 report, titled *Sudan, Oil and Human Rights*. Commander Peter Gatdet, initially serving

with Paulino Matiep's pro-Northern Nuer militia, defected to the SPLA and became its zonal commander in the Western Upper Nile. Human Rights Watch discovered that his troops carried out summary executions before and after his defection to the SPLA.²⁷ While it is clear that the SPLA has committed human rights violations, it is also clear that all the sides in the Sudanese civil war, especially the government, engaged in human rights abuses. While morally reprehensible, these abuses are common in guerrilla warfare. For example, some guerrilla leaders consider it appropriate to use summary execution to prevent collaboration and to ensure the survival of the movement. Yet, it is also clear that the extent of human rights violations committed by all sides during the conflict in Southern Sudan has eroded even the most basic levels of trust necessary for cooperation between Southern movements and factions, let alone the prospects of cooperation with the Northern government.

Working out of Omaha, Nebraska, David Chand is the external affairs spokesman for the South Sudan United Democratic Alliance/South Sudan Defense Forces (SSUDA/SSDF), a pro-Khartoum splinter movement from the SSDF. Chand's movement seeks the independence of Southern Sudan and argues that the SPLA/M has committed human rights violations. Yet, this movement that ostensibly argues for Southern independence and decries human rights violations has aligned itself with the very government that sought to prevent Southern independence and to impose cultural and religious uniformity in Sudan in a manner that most people find contradictory to basic human rights. Chand's unilateral declaration of autonomy, as well as his own remarks, hint at his motives:

The last word goes to all international oil companies who have signed agreements with the SPLM/A for commodities that they do not control at all. Their present and future investments are too risky. As soon as the declaration of dissolution from the GOSS comes to effect, all oil agreements and other commodities are mooted and invalid. It up to these consortia to make the wise and the right choices now before it is too late to contemplate. It is better to be safe than to be sorry at the end of the day.²⁸

Chand also makes it clear that his movement intends to remain allied with Khartoum until the South achieves independence. In the clashes around Malakal, Chand's paramilitary forces clashed with the SPLA/M and fled to the garrison of its Northern allies in that city. The results were sadly predictable. The Sudanese government, facing utter defeat in Malakal, resorted to bombarding the town with tanks, thereby causing hundreds of casualties. During late 2006, neither the army nor Chand's forces seemed to accept the outcome of the battle for Malakal, and they may still try to retake the garrison and its associated airport by force.²⁹ Chand's forces are important because they represent one of the main reasons for the SPLA/M's continued emphasis on being a military organisation first and foremost.

Throughout the war, the Nuer were both the main victims and key perpetrators of atrocities. Nuer anti-SPLA/M forces and Nuer units of SPLM rival and sometime ally, the SSDF, were involved in various human rights violations. Their victims were primarily other Nuer. Splinter movements within both organisations added to the confusion and mayhem. The conflict also saw widespread looting of cattle, summary executions of prisoners of war, rape and the conscription of children. Yet the human rights violations in Southern Sudan by the SPLA, its allies and Southern opponents did not occur in a vacuum; they

took place in the shadow of a far greater evil – the government’s attempt to depopulate the Southern Sudan. Oil was dumped in wetlands used by Nuer and Dinka herders, the cattle died and the herders were forced out of oil-rich areas, whereupon they were often replaced by Northern settlers. Khartoum’s attempt to depopulate Nuer areas conclusively ruined, once and for all, its ability to manipulate the Nuer–Dinka rivalry to secure itself against the SPLA/M.³⁰

For activists like Chand, Southern reconciliation cannot be realised without prior and clear provision for wealth- and power-sharing between the Dinka-based SPLA/M, the Nuer and others. They justify this call for *a priori* structuring of the game on the grounds that the Nuer have suffered at the hands of government and have been manipulated by the SPLA/M which has encouraged factionalism. Fears of Dinka hegemony in the Southern Sudan also persist and are somewhat justified, but they disregard certain dramatic transformations on the ground. First, the Wunlit conference transformed the Nuer–Dinka relationship; the two communities no longer view each other as natural or traditional enemies. Second, when Nuer land was exploited by the government for oil, the Nuer were removed from their lands and fled to Dinka territory, where they were warmly welcomed and included. Third, the current alignment of Nuer leaders in Khartoum with Gatdet and Machar in the SPLA/M fold suggests that the Nuer–Dinka rivalry has been transformed into a less violent game. Fourth, the main remaining dispute in the South is today among the Nuer themselves. It is not a dispute pitting Dinka versus Nuer or the two together against the Equatorians, but a disagreement within the Nuer community on how to relate to the North and the other Southerners, especially the Dinka. If Southern–Southern conflict returns to the Sudan, its main cause is unlikely to be a need for vengeance for past human rights violations. Rather, disputes may arise around the distribution of wealth and power between the South’s various tribal and ethnic communities. This will not preclude occasional violence, as the episode in Malakal in 2006 shows. The government is ultimately responsible for the militias it funds, so it must bear the responsibility of integrating them into the Sudan Armed Forces (SAF).

Religion, ethnicity and regionalism

Outside observers of the conflict have often noticed that political competition for power in Sudan depends on competition between groups defined along what Ugandan President Museveni calls ‘vertical’ lines as opposed to class-based political competition in the West and other developed democracies. These vertical lines include religion, ethnicity, tribal and regional affiliations. Such divisions give the Sudanese political system its current form and shape. The SPLA/M is no exception. It is based primarily on non-Muslims, particularly Southern Dinka Christians and Animists, although the organisation has opened an office of Islamic affairs and enjoys the support of some Muslims in the South as well as elsewhere.

Khartoum presented the Sudanese civil war as a religious struggle against Christianity and Animism, and many Arab media outlets, such as Al-Jazeera, bought this hook, line and sinker. During the last two years, the channel has been more pro-Northern than the government’s own satellite channel, Al-Sudan. The perception of the conflict as having religious origins has thus taken hold, although it is actually a conflict based on regional grievances. Faced with a hostile Islamist religious discourse, the SPLA/M decided to reverse the odds, turning the government’s Islamist discourse, its hosting of Osama Bin Laden,

and its bellicose attitudes towards the West into issues that it could exploit in Western countries and societies. While the war did not begin as a religious conflict, it morphed into one in both the Middle Eastern and Western media outlets. Since perception is reality in politics, the religious war narrative is today a reality that cannot be disregarded. Some in the Arab world welcomed the death of John Garang de Mabior as a just end for a 'crusader'. However, there was widespread resentment of the Sudanese government among US cognoscenti for the country's Islamist discourse and its hosting of Bin Laden. This resentment eventually manifested itself in the form of the missile strikes against Sudan by the Clinton administration.

If religion evolved into a perceived explanation of the conflict and the subsequent labelling of the SPLA/M as a non-Muslim political force, ethnicity and regionalism had deeper and more real foundations in both the conflict and the support structures of the SPLA/M. The SPLA/M's foundation in the Dinka tribal confederation is underscored by its recruitment system. Like its erstwhile ally, the SSDF, the SPLA/M used the local tribal chiefs to recruit its soldiers, wherever the tribal and sub-tribal identity of its local commanders matched the local population.³¹ This gave the movement its primarily Dinka character. Its main challenge since its establishment has been to include other Southern communities in its structures, without compromising Dinka interests.

The SPLA/M has managed to expand beyond its traditional Dinka base. The movement merged with the Nuer-based SSDF and also attracted some Equatorians and even Northerners. There are still complaints of Dinka hegemony within the SPLA/M and within Southern Sudan. The reality on the ground is that the Dinka is the single largest tribal confederation in Southern Sudan with about 40% of the South's population. Is the Dinka hegemony within the SPLA/M the product of a pro-Dinka bias or a natural result of demographics? This question may have had salience if a Southern regional identity had not emerged during the long civil war.

The events of the war, the sense that the Nuer were betrayed by the government through deportation from government oilfields, the Dinka–Nuer Wunlit conference, and the possibilities for sharing the South's oil revenues, have worked together to cement a Southern Sudanese identity based largely but not exclusively on the South's Nilotic communities: the Dinka, the Nuer and the Shilluk. The heart of the problem lay in the historic exclusion of Southerners from a share in national wealth and power. They were excluded for primarily ethnic reasons, and religion was a secondary consideration. The control case for this proposition is the non-Arab population of Darfur – whose Muslim heritage did not ensure it a share in the state's resources.³² The problem in the South began as an ethnic grievance and evolved into a regional dispute while being 'sold' as a religious war to unsuspecting audiences primarily, but not entirely, in the Arab Middle East. This may have contributed to the Southern animus towards Arabs as documented by Human Rights Watch. Sudanese Arabs, including civilian employees of the national oil company, held as prisoners of war by the SPLA/M and the SSDF, received the cruellest treatment, including in some rare cases, summary executions.³³

The challenge for the SPLA/M is to remain a regional party, which it currently is, rather than decline into a Dinka political movement. Salva Miyardit Kiir is certainly stepping into the role of representing all Southerners. In response to the demands of some Northerners for a Northern secessionist state, he told *Al Sharq al-Awsat*, that he regards this discourse as an attempt to dislodge the Southern populations in the North and that the SPLA/M

will use violent force to defend the Southern communities resident in the North. He warned that such a move might be necessary to defend the unity and territorial integrity of the Sudanese state as it is currently constituted. Given the widespread desire of many Southern constituencies for secession, Kiiir's position represents a brave and sophisticated level of leadership. As the government sought to link the full implementation of the CPA with reduced international pressure concerning the events in Darfur, the SPLA/M has increasingly questioned Khartoum's opposition to the need for United Nations intervention in Darfur. The government's attempt to link the CPA to non-intervention in Darfur is particularly odious and has probably served to drive Southern factions closer to the SPLA/M. The government's effort to force the international community's 'hands off' of Darfur by holding the CPA as a hostage was reflected in a speech by Ibrahim Ahmed Omar, the vice-president of the ruling National Conference Party in October 2006. It drew a sharp rebuke from the SPLA/M.³⁴

SPLA/M to SPLM?

Current government discourse leaves no room for the transition of the SPLA/M into a political movement. If it were to become a political party in the procedural sense of the word before the full implementation of the CPA, the SPLA/M would in effect unilaterally disarm. The crisis in Darfur is making the Sudanese government's relations with the US and other Western powers difficult. Khartoum believes that it can use the South as a bargaining chip to avoid attempts by the international community to force it to halt the ongoing Darfur genocide. Given this attempted linkage, the SPLA/M's transition to a political party will have to wait for a definitive end stage to the conflict in Darfur. In the context of Khartoum's threats concerning the non-implementation of the CPA, it is highly unlikely that the SPLM would accelerate transformation into a political party, let alone a disarmed one. The government's use of Baggara-based tribal militias in Darfur is a *déjà vu* experience for many Southerners who were victims of precisely the same policy during the 1990s. The fact that the government is willing to use these forces against fellow Muslim peoples today, and that it did so in the past in the South gives the SPLA/M no guarantee that the massacres, rapes and deportations will not be repeated in the South again should it disarm.

INTERNATIONAL LINKS

States and international organisations

The SPLA/M is seen as a largely Africanist and pro-secular entity in the Sudanese context. Its international links reflect this. The most open relationships were with Ethiopia, where the organisation was founded, and with the United States, which appears to have provided the SPLA/M with financial and other 'non-lethal' support (and perhaps in other ways as well) over the years. The negotiations that led to the CPA were initially under the rubric of the Intergovernmental Authority on Development (IGAD), a group of East African states dedicated to fighting drought and desertification. But the scale of humanitarian disasters that befell Southern Sudan during the war inevitably resulted in the presence, both open and clandestine, of many non-governmental relief organisations.

By contrast, traditional international organisations such as the African Union and the United Nations have become involved more recently in the Sudan. The large UN Mission in Sudan (UNMIS) has had its share of political clashes with the Sudanese government. The Sudanese government is locked in a hostile relationship with the international community, as the October 2006 expulsion of the UN Representative in the Sudan and the 2008 indictment of President Bashir at the International Criminal Court (ICC) have demonstrated. The government expelled Jan Pronk, the UN Representative, because he allegedly demonstrated 'enmity to the Sudanese government and the armed forces' by reporting two major defeats suffered by it in Darfur.³⁵ President Omar El Bashir consistently refused to allow UN troops in Darfur until he was forced to accept the AU–UN hybrid force for Darfur (UNAMID) in October 2007. There are now about 10 000 international troops present in Southern Sudan as a part of UNMIS. Established by UN Resolution 1590, this UN force is charged with ensuring the implementation of the CPA and the protection of the Southern Sudanese population. On 31 August 2006, the UN Security Council passed a resolution expanding its mandate into Darfur.³⁶ This drew the Sudanese government's ire. The government has generally been more willing to work with the African Union (AU) than the UN, but has not allowed a significant strengthening of the AU forces there.³⁷ As of August 2008, President Bashir returned to threatening the expulsion of international peacekeeping forces in Darfur.³⁸ This attitude leaves very little basis for the SPLA/M to place its trust in a government with a track record of attempting to evade its international obligations and to ignore UN Security Council resolutions.

The Sudanese government, perhaps emboldened by the apparent US failure in Iraq, has invoked the conflict there and ratcheted up anti-Western discourse. This has meant that Western states have become increasingly interested in the NCP's apparent opponents, including the SPLA/M. A return to conflict in the South, which can no longer be discounted, suggests that that SPLA/M support among Western states is likely to be deeper, more militarised and perhaps more sustained. It is difficult to imagine which states would support the Sudanese government if the conflict resumes, save for Iran and North Korea. China, which buys most of Sudan's oil exports, is increasingly less willing to shield the country from international criticism, particularly in the UN Security Council.³⁹ Russia's deep concern about Islamism makes it even less likely to provide assistance to Sudan, except on a cash-and-carry basis. Sunni states like Saudi Arabia are facing an Islamist revolt of their own and will probably not assist the Sudanese government. In short, the government's policy of linking Darfur with the CPA will lead to the near total isolation of the Sudanese government, to the benefit of the SPLA/M, should the conflict return. Perhaps the government's experience of relative success in replacing politically-sensitive Western oil firms with Eastern ones from Malaysia and China has led it to believe that it can discount Western and African perspectives about Southern Sudan and Darfur.

Oil firms

Western oil firms face immense pressure while working in Sudan. First, they must deal with the Sudanese government's distrust of their Western countries of origin. They also face consumer boycotts, lawsuits and other serious public relations problems in their home markets. The pressure in home markets led to the gradual disinvestment by Western oil companies in Southern Sudan. The 2003 case of Talisman Energy was a spectacular example of public pressure forcing a Western company out of Southern Sudan, due to

the government's use of oil funds to finance its war effort. Human Rights Watch has documented how the oil industry financed and fed the conflict in Southern Sudan. The basic prospecting was conducted by Chevron, and the earliest developments were carried out by Lundin, a Swedish firm, and its purchaser, Talisman, a Canadian firm. Both firms faced public outrage in their home countries, with the result that they sold their Sudanese operations to Chinese and Malaysian parastatals which now dominate the Sudanese oil industry. China's thirst for oil led it to actively support the Sudanese government in the conflict. But even these firms have financial and commercial links with capital and consumption markets in the West, and they were affected by sanctions imposed by the US on the Sudanese government. PetroChina, which listed on the New York Stock Exchange, faced an investor boycott and political obstacles from the American Federation of Labor/Congress of Industrial Occupations (AFL-CIO) which used the company's involvement in Southern Sudan to sully its image. In short, the turn to the Far East came at a price for the Sudan. It had to discount the fees it charges the Chinese and the Malaysians precisely because the Far Eastern firms did not face Western competition. In addition, the Asian firms had to construct legal and other firewalls to avoid losing access to Western markets and suppliers due to the legal liabilities they encountered resulting from their involvement with the Sudanese government. China and Malaysia may have bought the Sudanese oil industry time, but the underlying issues that led to the departure of the Western firms are still present.⁴⁰

This suggests that Chand's challenge to oil companies bidding for the overlay concessions being offered by the GoSS is unlikely to lead to any benefits for his movement or for Khartoum. It also implies that the SPLA's risk premium in making a full transition into a political movement is too high at this stage. If militias like Chand's SSDF splinter group continue to threaten the GoSS's oil fields, then the SPLA cannot afford to demilitarise until the relationships with pro-Khartoum militias and with Khartoum are clarified once and for all.

NGOs and governmental humanitarian relief

NGOs have been active in Sudan for decades. This includes Catholic Relief Services and a number of other humanitarian organisations, both religious and secular. These NGOs had to operate within the constraints of the civil war. In some cases, the local branches continued to operate despite being cut-off from international funding and support. One German-sponsored water programme in Eastern Sudan was independently operated by its Sudanese staff for 14 years.⁴¹ The physical environment of Southern Sudan during the war was often a barrier to NGO operations. Many NGOs worked out of Nairobi and have only recently moved to Juba.

The NGO community has not been exempt from being dragged into the politics of the civil war. Christian groups were often viewed with suspicion by the government. Likewise, pan-Islamic movements were often seen as pawns of Khartoum. Nonetheless, the NGO community was an indispensable window into Sudan for any analyst. Its people on the ground were able to document human rights violations by all sides throughout the war. The literature depends on NGO accounts for data, and they are thus a crucial element of any solution. The transition of the SPLA into a political party would not be possible without stabilising the social and humanitarian situation in Southern Sudan, once the political and military provisions of a settlement are implemented. Until then, NGOs will

continue to operate within constraints and limitations imposed by the government and the SPLA/M.

POLICY RECOMMENDATIONS

Policy recommendations for the Sudan must be derived from the particular conditions that prevail there. For each of the leading stakeholders in Sudan, a different set of policy recommendations is warranted in order to move towards a solution. Furthermore, it is important to factor in the continued salience of Islamist discourse in the North.

Policy recommendations for the Sudanese government

There are three major actions that the Sudanese government must take to move the country towards stabilisation and thereby encourage the SPLA/M to become a political party. The first policy that needs to change in the North is that of linking the international disputes over Darfur to the CPA. This link is very dangerous, because it invites comparisons between the two conflicts and actually encourages further intervention by the West rather than less. If the linkage continues, it may actually lead to the resumption of hostilities in Southern Sudan, with peacekeepers present. Such a conflict would almost certainly see an alliance between the SPLA/M and the Darfur rebels refusing to sign the Abuja agreement, which could spell a full return to conflict and on a much greater scale. As a consequence, the conflict between Sudan and Chad, the GoSS and the various factions in Darfur could merge into a single conflict pitting the Sudanese government against a wide coalition of forces, with catastrophic results for all.

The second policy recommendation concerns the pro-government paramilitary forces in Khartoum and the South. The Sudanese government has three policy options here: it could disband these units, integrate them into its order of battle as the GoSS units, or induce them to join the SPLA. The main point is that their continued existence as quasi-independent forces contradicts the CPA agreement which envisions two legal armed forces in Sudan. These forces were often led by officers who held rank in the SAF, and to that extent, they cannot be regarded as independent actors who are allied with Khartoum by choice. These forces greatly increase the tension in the South and cause immense difficulties for civilians, especially communities that live in war-torn zones such as the Nuer. Since these movements are a result of a deliberate Sudanese government policy of divide-and-rule, it is only logical for the government to take responsibility for integrating them into the SAF. The chapter on security arrangements in the CPA calls for the existence of two legal armed forces in Sudan. While some movements, such as the main part of the SSDF, have joined either the SAF or the SPLA, others continue to refuse integration. To complicate matters, the appearance of Northern paramilitaries that are outside government control in Darfur has revived this problem with a vengeance.

The third policy recommendation for the Sudanese government concerns the linkage it established between the disputed zones in Kordofan and transferring the CPA-mandated oil revenues to the GoSS. The government's continued failure to transfer these revenues and its inability to go ahead with the full implementation of the CPA mean that the SPLA/M's more radical voices gain strength with the passing of time. This increases the

possibility of renewed war and prevents the movement from embarking on the programme of required changes that could see it become a political party instead of an army.

Pursuing all three recommendations requires the government in Khartoum to reach internal consensus on the South. To achieve this, a deep and sincere North–North dialogue is needed with the Sudanese opposition including the Umma Party, the Democratic Unionist Party, the Popular Conference, the Communists and the Republican Brotherhood (which must be legalised again).

The SPLA/M

For the SPLA/M, the most important priority has to do with eliminating the claim that the organisation is Dinka-dominated. This can be accomplished through a policy of highlighting its non-Dinka leaders and by offering all the communities of Southern Sudan home rule and further autonomy under the GoSS. This would entail the reservation of a percentage of the SPLA/M's leadership positions for non-Dinkas. Such an arrangement need not be formal and it can be highlighted by the alternation of leadership roles between Dinka and non-Dinka leaders. The communities of Southern Sudan have existed long before the Egyptian conquest and they are likely to continue existing well beyond the implementation of the CPA. Politics in Sudan has been, for better or for worse, communal and confessional. Thus alternating the SPLA/M leadership between Dinka and non-Dinka elites may help begin a power-sharing process within the South. SPLA/M openness to non-Dinkas would help ameliorate the sense of grievance that is often used against it. The SPLA/M's own leadership is sensitive to this issue and has been keen to highlight the involvement of the Nuer in its leadership structures and their presence in significant numbers at its founding.⁴²

This offer should be accompanied with an oil revenue-sharing scheme for the regional federated areas in the South. A plan that gives the Nuer and other non-Dinka tribes home rule would undermine the power of pro-Khartoum paramilitary forces such as those represented by David Chand and others. Power in the South could be devolved to the smallest possible unit, which would bring local chiefs into the GoSS and give them a stake in its success. Such a policy would also help to discourage splinter movements backed by Khartoum.

Finally, the SPLA/M should not abandon its nation-building scheme. As an army, it has the potential to create a Southern nation in Sudan. This means that the policy of regional and local autonomy should be complemented by national male conscription of all able-bodied Southern males into a proper military force. This is crucial for the country's cohesion should it become independent. It is also critical in the sense of creating and maintaining a common Southern identity which in turn could lead to the hoped-for transition of the SPLA/M into a civilian political movement and the specialisation and de-politicisation of its military units.

The Western states

For the Western states, the simplest policy recommendation is to continue pressuring Khartoum. They have noted the Sudanese government's failure to uphold the CPA. They have pressured the Sudanese government to change its approach to peripheral regions in the South, the East and in Darfur. To that extent, the overall direction of Western policy is sound. The missing elements of Western policy are primarily in terms of compelling,

inducing and rewarding the various parties to the peace process in Sudan to ensure active and serious implementation of the CPA.

To that end, Western governments should make it clear that they will place specific sanctions on Asian oil firms working in Sudan and that such economic sanctions will be secondary and even tertiary. At present, Asian exports to Western states, particularly the United States, help finance Chinese oil purchases from Sudan. As has been shown by Human Rights Watch and Patey,⁴³ the money benefits the Sudanese government and finances its army and paramilitary forces.

China effectively becomes the conduit through which North American and European funds are 'laundered' into the Sudanese conflict, primarily on Khartoum's side. Such sanctions can be communicated to Chinese, Malaysian and other Asian firms along with a deadline for divestment in Sudan. Their secondary and tertiary business partners will need to be informed as well. The result will inevitably be Chinese and Malaysian pressure on the Sudanese government. China's decision not to veto a hybrid force for Darfur during 2007 at the UN Security Council, suggests that it may be more open to bringing pressure on the Sudanese government than previously thought. Western prodding is essential to bring Chinese and other Asian oil firms to the position that what is happening in Southern Sudan and Darfur is partially their responsibility.

The Western states also need to encourage the South–South dialogue and supplement it with a North–North dialogue between the government and leading figures in the Sudanese Northern opposition. Thus far, the Northern opposition has not been included in dialogue or negotiations at the level necessary to ensure that the North can arrive at a consensus as to what it wishes to gain from the peace process and what it can afford to part with. Barring a genuine Northern dialogue, it is unlikely that any peace agreement will be anything other than 'brittle', in the words of Sadiq El Mehdi.⁴⁴ Unfortunately, such a policy cannot be implemented without US pressure. The US has generally led the campaign to pressure Khartoum. The 2006 visit by US envoy Andrew Natsios showed that the US is committed to finding a settlement to the crisis in Sudan.⁴⁵

A tougher Western line on Sudan needs to be accompanied by incentives such as the removal of the country from the list of state sponsors of terrorism and the dropping of sanctions as a reward for the full implementation of the CPA. Adding the element of possible rewards could encourage the SPLA/M and the Sudanese government to stabilise the situation. Also it would dramatically reduce the discount currently enjoyed by Far Eastern firms due to the lack of competition from Western firms. There also needs to be a solution to the ICC warrant facing President Bashir, given that Sudan is not a signatory to the Rome Statute, and Bashir's direct involvement in the genocide in Darfur would be very difficult to prove, let alone be sold to the public in Northern Sudan. A deal could entail his retirement or replacement with another leader in order to have the ICC charges dropped.

China, Malaysia, India and their parastatal oil firms

For these countries, the advice is straightforward. China and other Asian countries should realise that every penny they invest in Sudan is liable to be confiscated, nationalised or destroyed if the political and military situation turns against the Sudanese government. A return to civil war will lead to precisely that situation, given French, American, Ugandan and Ethiopian support for the SPLA/M; some of these countries view China and Malaysia

as rivals in the quest for oil and would welcome their removal from Sudan. Newly independent states emerging out of the Sudan, whether in the South or elsewhere, are unlikely to view China and Malaysia favourably or to allow them to participate in their oil sectors. In addition, a return to hostilities is likely to lead to catastrophic loss of life among foreign oil workers in Sudan, since they may be immediate soft targets.⁴⁶ Given the presence of large numbers of Southern refugee populations in Northern cities, Chinese and other Asian management teams are unlikely to be exempt from Southern unconventional warfare attacks. While the policy of helping to develop the oil sector is basically sound, it must take place within a political context that induces the Sudanese government to implement the CPA and act in good faith with its partners in the SPLA/M.

There are already significant attacks being carried out against oil interests. Oil exploration and exploitation in Southern Sudan follows a pattern. First, Southern areas are cleared by pro-government paramilitary forces. Second, Chinese workers are brought in to build the oil infrastructure, and they do so in a way that pollutes the water supply, thereby causing the death of the Southerners' cattle, which leads to the total depopulation of oil-rich regions. As a result of this policy, the GoSS was confiscating helicopters used in oil surveys by firms holding contracts issued by the government in Khartoum. In addition, Southern paramilitary forces are now attacking oil workers, who are seen as aligned with Khartoum. At least seven oil workers were killed in December 2006 at Paloich in the upper Nile region.⁴⁷ China could find itself being dragged into an insurgency in Africa that pits it indirectly against the Western powers.

NGOs, regional organisations and the UN

NGOs need to maintain their Kenyan offices as well as begin to relocate their operations in the Southern Sudan. There is an urgent need to stabilise as much of the region as quickly as possible. For many of these NGOs, there is a distinct need to maintain dialogue with the Sudanese government that continues to distrust them. There is a Southern process of dialogue and a general perception that a return to a pre-Wunlit situation is unacceptable, but there is a need to build inter-ethnic and inter-tribal social and NGO structures in the South as well as in the North.

IGAD should continue serving as a communication channel between the government and the SPLA/M to promote the complete implementation of the CPA. The UN's presence in Sudan should be strengthened by increasing the number and quality of troops. The fighting in Malakal and the continued lack of clarity in Abyei and the Southern Blue Nile as well as the events in Darfur show that there is a clear need for more armed peacekeepers, observers and fact-finders to ascertain what is taking place and to assign responsibility for violations of the CPA. Thus far, the UN's role has been largely thwarted by the Sudanese government, especially in Darfur. To address Sudanese concerns about the use of Western troops, the UN may seek to reassure the Sudanese government by using Muslim and/or African troops in Darfur. In the meantime, UN troops already present in the South may need to be more heavily armed and given a mandate that allows them to rapidly engage in armed response where appropriate. The UN should also consider officially designating pro-Khartoum paramilitary forces as agents of the Khartoum government and assign the final responsibility for their behavior to the Sudanese government. This will give the government incentives to act rapidly against the paramilitary forces that it created.

CONCLUSION: THE ONGOING RISKS OF WAR AND PARTITION

This study finds that the prospects of the SPLA's transition to a political party in the short term are limited. It is not likely to either desire or implement a complete transition as long as it faces paramilitary forces in the South that are armed and maintained by Khartoum. In addition, it faces a serious problem in terms of the South's lack of a civil society institutional structure. In the words of El Mehdi, 'the South has tribes and an army, but there is little else there'.⁴⁸

To complicate matters, the continued sponsorship of Southern splinter movements is gravely threatening to the security of Southern Sudan. After the fighting in Malakal, Kiir demanded the handover of two pro-Khartoum Southern officers responsible for the murder of an SPLA policeman in Malakal. 'I have asked the defense minister to bring us generals Gabriel Tanginya and Thomas Mabior, who are responsible for the Malakal crimes, so they can be tried.'⁴⁹

The basic problem seems to be a lack of clarity on the part of the North on how to address the organisations and structures it created during the main war. In a speech given in Malakal, Kiir argued that the war could easily return if the government continues to arm paramilitary forces in the South. Speaking after the Malakal attacks, Kiir was clear that the SPLA/M has not given up on arms entirely and that the CPA was not likely to survive the spate of violence ignited by the presence of pro-government militia. Kiir blamed the government for the incident. 'This incident ... is the second (after) Juba ... If this continues it will put the CPA in jeopardy ... There is a lack of political will otherwise this thing would have ended ... The militias are actually guided by the political agenda of the National Congress.'⁵⁰

Even if the events at Malakal had not taken place, the SPLA/M has some significant structural reasons for rejecting a more immediate transition to ordinary politics. These can be summarised as follows:

- a lack of consensus in the North concerning how to relate to the South;
- the government's policy of linking Darfur with the South;
- the continued presence of SAF and pro-Khartoum paramilitaries in the South;
- the relative lack of institutionalised political structures in the South; and
- the government's policy of linking oil revenue allocation to Southern capitulation on disputed areas.

The events in Malakal may have also confirmed for many SPLA/M hardliners that the government in Khartoum cannot be trusted. They also feed the independence-oriented wings of the movement at the expense of the unionists and increase the chance of partition. For the SPLA/M to transform into a political party the following conditions have to be achieved in the Sudan:

- clarity in the relationship between the North and the South (this is not likely to take place before the 2011 referendum);
- disarmament and dispersal of anti-SPLA/M Southern paramilitary forces;
- full implementation of the CPA;

- a settlement of the Darfur conflict or its separation from the Southern question by the Sudanese government; and
- success of the South–South and North–North dialogues.

Until these conditions are met, the SPLA cannot evolve into a political party. If it is to remain an armed formation, it is the hope of this author that it will become a more professional force capable of defending the population of the South without resorting to human rights violations and inter- and intra-tribal warfare that have characterised the history of both the South and the North in recent decades.

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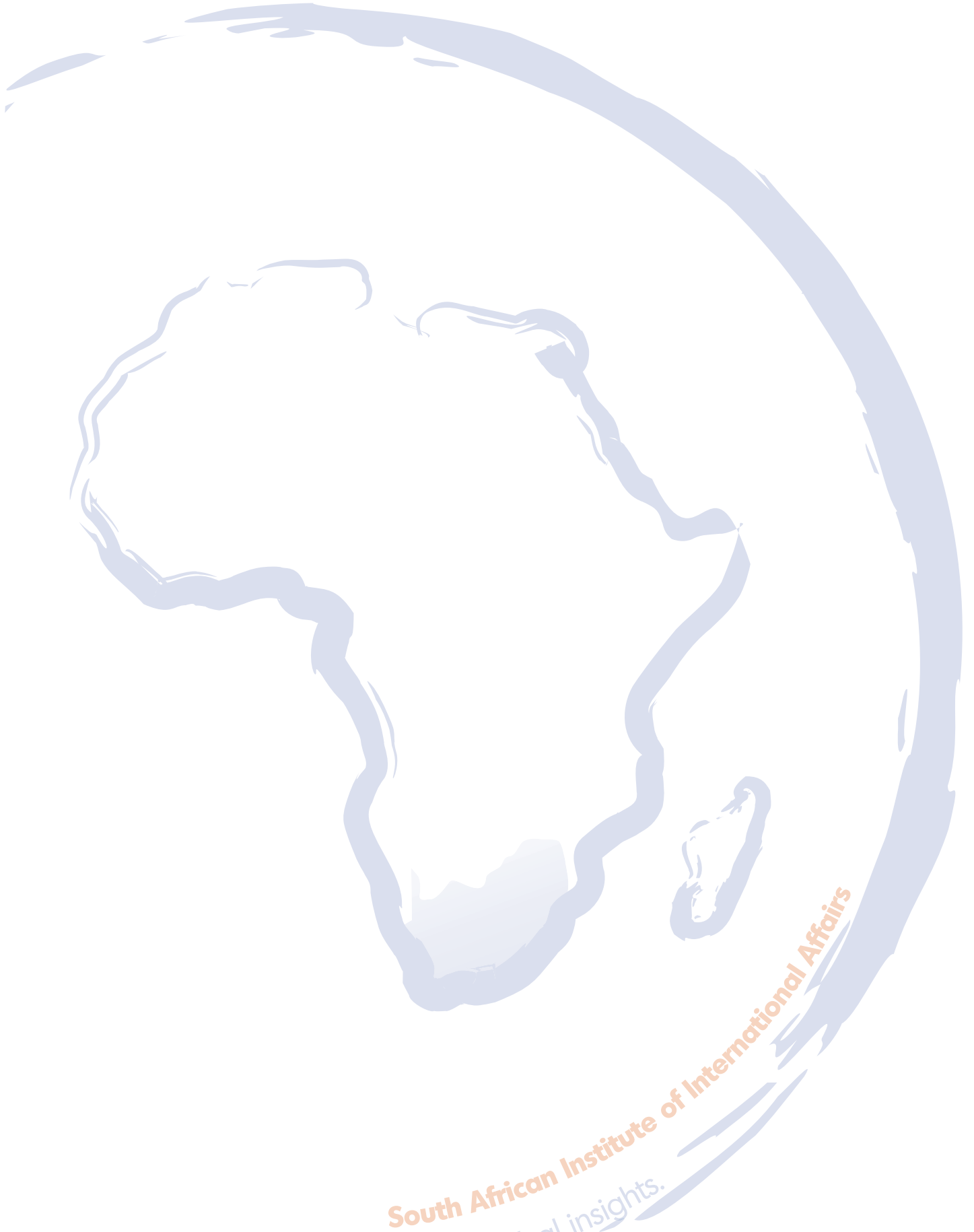
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