The Pivot from Conflict to Peace: A Case Study on the Second Sudanese Civil War and its Aftermath

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Acronyms

AMIS – African Union Mission in Sudan

AU – African Union

CBRPs – Community-based reintegration projects

CfPS – Collaborative for Peace in Sudan

CPA – Comprehensive Peace Agreement

DCF – Darfur Compensation Fund

DDDC – Darfur-Darfur Dialogue and Consultation

DDPD – Doha Document for Peace in Darfur

DLC – Darfur Land Commission

DPA – Darfur Peace Agreement

DPRC – Darfur Peace and Reconciliation Council

DRDF – Darfur Reconstruction and Development

DRRC – Darfur Rehabilitation and Resettlement
        Commission

DSAIC – Darfur Security Arrangements and
        Implementation Commission

DUP – Democratic Unionist Party

GoS – Government of Sudan

HAC – Humanitarian Aid Commission

ICC – International Criminal Court

IDP – Internally displaced person

IGAD/D – Intergovernmental Authority on Drought
        and Development

JEM – Justice and Equality Movement

LRA – Lord's Resistance Army

NIF – National Islamic Front

NSCC – New Sudan Council of Churches

OAU – Organization of African Unity

PC – Peace Committee

SAF – Sudanese Armed Forces

SDF – Sudan Defense Forces

SLA – Sudanese Liberation Army

SLA/AW – Sudanese Liberation Army led by Abdel
        Wahid Mohamed

SPLA – Sudan People's Liberation Army

SPLM – Sudan People's Liberation Movement

SSIA – South Sudan Independence Army

SSIM – South Sudan Independence Movement

SSRC – Sudan Relief and Rehabilitation
        Commission

SSU – Sudan Socialist Union

TDRA – Transitional Darfur Regional Authority

UNF – United National Front

UNAMIS – United Nations Advanced Mission in
        Sudan

UNDP – United Nations Development Programme

UNHCR – United Nations High Commissioner on
        Refugees

UNICEF – United Nations International Children's
        Emergency Fund

UNMIS – United Nations Mission in Sudan

UNMISS – United Nations Mission in South Sudan

MAP OF SUDAN

THE UNITED NATIONS MISSION   IN SUDAN

2005

(Appendix B)
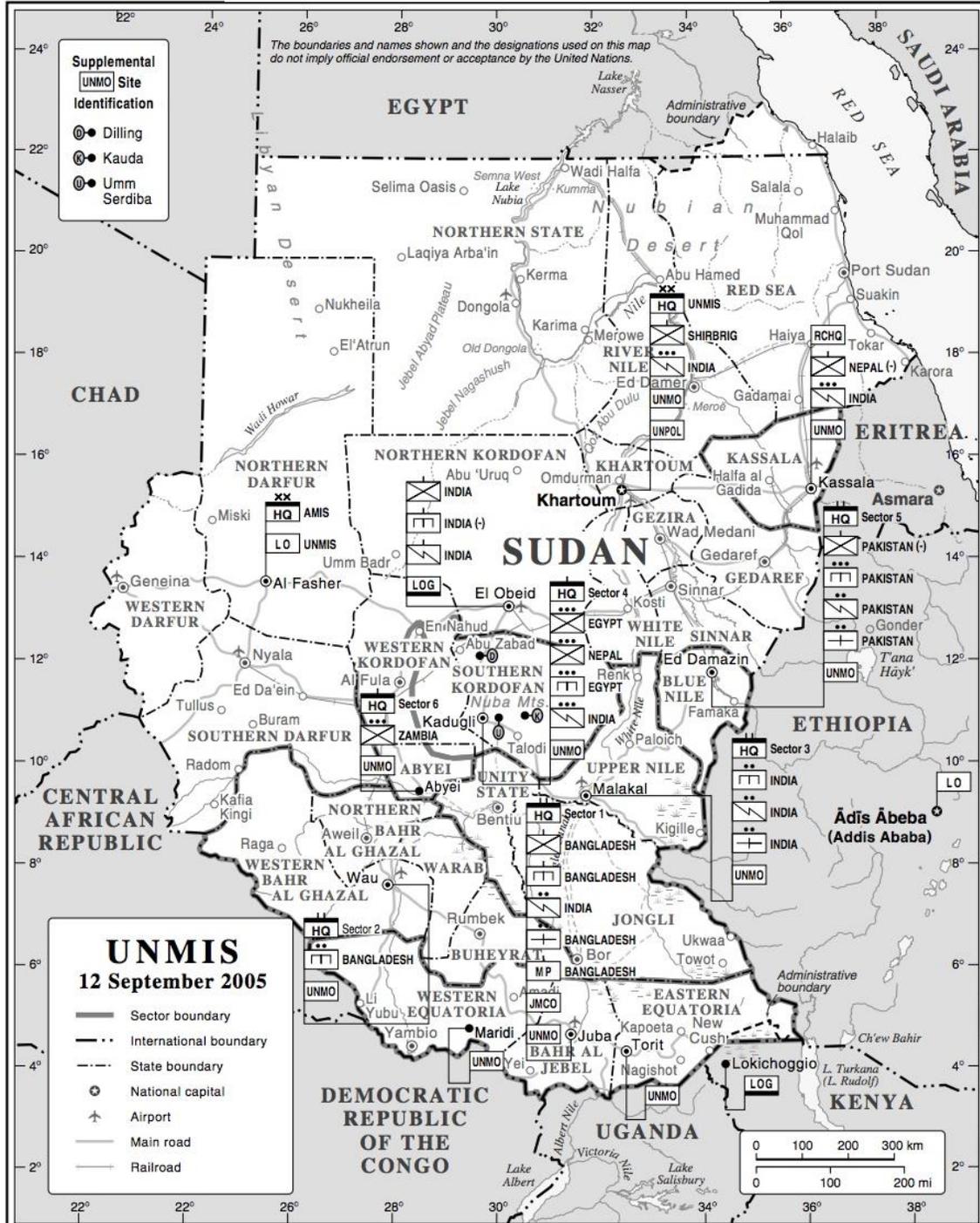
Executive Summary

The most recent conflict in Sudan lasted over two decades, depriving the entirety of the country and much of the region of stability and development. The violence killed over 2 million people, displaced over 4 million within Sudan, and forced 600,000 to seek refuge outside of the country (UNMIS/S). Deeply rooted at the intersection of economic prosperity and ethnic and religious identities, tensions slowly transformed into a full-scale conflict. Upon the Arab conquest, the diverse ethnic and sub-groups living in northern Sudan were altered while the southerners remained tied to their traditional ethnic and religious roots. These differences were heavily suppressed under colonial and foreign powers, ultimately precipitating a collective identity of oppression. However, upon the removal of colonial forces, ethnicity and religion emerged as the primary identities. The north, which had been indoctrinated into a common Arab-Islamic identity, was largely in support of an Arab and Muslim state, disregarding the traditional backgrounds of the South because they had yet to forge their own collective identity.

After a democracy was established upon Britain's withdrawal, a military leader named General Ibrahim Abboud pursued a policy of Sudanese unity by enforcing Islam. The imposition of Islam and Arabism invited pushback from rebel groups attempting to bring the administration to the table. Coups and revolutions became regular, flipping rule from military governments to democratic governments. When a U.S.-trained rebel named Colonel Gaafar al-Nimeiri overthrew the government in the conflict's most pivotal coup, he also nationalized industry and brought about fear over share of wealth, power, and land. He responded to outbreaks of retaliatory violence in the south by agreeing to regional autonomy only under the condition of non-independence for the south. Al-Nimeiri implemented the division of the south as part of his "divide and rule" strategy. Simultaneously, oil companies from around the world had jumped on the presence of oil in a region in central Sudan that caused distress and conflict for decades to come. The conflict had evolved into a fight over a tangible and specific piece of land–one that would set a precedent for future land and resource disputes in a time of economic turmoil.

Al-Nimeiri's agreement's major stipulation to southern autonomy was that northern troops police southern regions. Southerners formed rebel groups, later known as the SPLM/A, in fear of the violence to come. The conflict tipped into a full-fledged civil war when al-Nimeiri imposed Islamic law upon the entire nation, and the previous piece agreement fell to pieces.

The government began backing militias to kill rebels and southern ethnic groups with tactics amounting to human rights violations and violations of international humanitarian law.

After another coup and a revolutionized democratic government, the new Prime Minister and head of the Ummah Party, Sadiq al-Mahdi, was working to secularize the nation. General Omar al-Bashir, backed by the National Islamic Front, quickly overthrew al-Mahdi in a coup, and imposed Islam with a strong fist. The fight gained complexity when the SPLA splintered into two warring factions – the SPLA Mainstream and the SPLA Nasir. Regional efforts for peace crawled forward in Nigeria as other nations around the world backed various sides of the conflict. Eventually, international efforts to halt the conflict reached a turning point, promising a self-determination referendum for the South after a waiting period of several years. Under the radar, multiple African nations found themselves involved in a new offshoot of the civil war in Darfur. There, the Arab cattle and camel herders facing severe famine needed grazing land for their livestock. In desperation, they turned to the non-Arab, agricultural peoples' land. Consequently, both non-Arabs and Arabs took up arms to fight for land rights and the resurfacing of historical discrimination. The Arabs, with support from al-Bashir's government, raided villages, burned crops, and killed masses. Eventually, the international community condemned the actions as operations of ethnic cleansing and called for the government to disarm the militias.

While conflict continued in Darfur, the Government of Sudan (GoS) was negotiating with the South on the Comprehensive Peace Agreement (CPA), an agreement mending grievances over wealth, power, and land that also provided a date for a referendum on southern independence. To ensure stipulations of the CPA were met, the UN launched a small mission to collect information vital to a successful launch of a full-scale peacekeeping mission. The African Union was the main party responsible for peacekeeping in Darfur at the time, but after the CPA was officially signed and the UN deemed the acts of government-backed militias "crimes against humanity", the UN launched its larger mission in Sudan. The African Union's peace efforts had reached a point of agreement soon after, however rebel leaders refused to sign, eventually driving alternate leaders to sign the agreement. The UN mission expanded into Darfur following the agreement and transitioned into a collaborative operation with the AU to keep the peace.

With an overwhelming vote for independence in 2011, the GoS allowed the new nation of South Sudan to split off. However, several stipulations of the CPA had yet to be met, leaving drastic consequences for

security and insecurity. Many of the concerns were in regard to land rights, the reintegration and demobilization of military groups, and the deconfliction of previously opposing ethnic groups. Noting that a fresh path towards a successful and newly established state would require unique efforts, the UN established the UN Mission in South Sudan. Today, this mission continues to operate in hope of a peaceful and thriving South Sudan.

In the meantime, local, international, and national institutions have taken it upon themselves to pursue justice for the harm done. After the CPA left many strings untied, two conflicts erupted: a conflict over borders and a conflict rooted in the misery and pain felt in the several-decade long conflict. As nationalism and historical grievances fostered a movement, violence broke out between the Sudanese Armed Forces, local factions, and eventually an offshoot of the SPLA. After the fight over resources and land had rehashed to a declaration of war by the North against the South in 2012, al-Bashir cracked down on all who opposed him while refusing to establish the transitional mechanisms necessary to revitalize the nation post-conflict. Executing mass human rights violations against civilians, activists, and journalists alike, he drew calls for justice to address harm and trauma inflicted throughout the Second Sudanese Civil War and the aftermath from human rights experts around the world.

In the south of the country, the New Sudan Council of Churches established a people-people based justice mechanism, called the Wunlit Peace Process. This process focused on the Dinka and Nuer located in the Nile West Bank. It began with a process intended to build confidence, transporting chiefs to visit one another's territory and sharing rituals. The most key aspect of the process, however, was the sharing of grievances, after which groups produced ways to address the harm done.

Just a few years later, the Darfur Peace Agreement was created to promote reconciliation in the state. It addressed three fundamental issues: power-sharing, wealth-sharing and security arrangements. Unfortunately, the agreement failed in gaining civil participation and overestimated available resources. It also did not inquire the wishes of all affected parties. As a result, only one of the three rebel group leaders were willing to sign, and the agreement was never fully realized.

When attempts at reconciliation in Darfur fell short, the international community began its attempt. The International Criminal Court (ICC), upon order and referral from the United Nations Security Council, began its investigation of genocide, war crimes, and crimes against humanity in Darfur. Though it charged many individuals with such crimes, the most famous defendant was al-Bashir. Charged with five counts of crimes against humanity, two counts of war crimes, and three counts of genocide, al-Bashir has yet to face trial in the Hague. In theory, any nation al-Bashir travels to shall arrest and release him to the ICC. This has yet to be the case, and since Sudan is not a signatory of the Rome Statute, it *too* has the right to maintain jurisdiction over al-Bashir's crimes. That said, the new Sudanese government established after the 2019 coup against al-Bashir's government has announced that it would pursue justice against al-Bashir in the national courts. No justice has since taken place for charges of war crimes, genocide, and crimes against humanity.

Rather than waiting for justice, international institutions and local organizations have begun to lay the foundations for a peaceful Sudan henceforth. The United Nations High Commissioner on Refugees (UNHCR), for example, began the return of refugees and internally displaced persons in 2005, after the signing of the CPA to build peace and create stability. The two year, top-down approach by the UNHCR was working to build logistical capacity for and facilitate voluntary repatriation, create conditions conductive to return, build a framework for future returns and reintegration, and create a smooth transition for returnees from countries of asylum. Other organizations, such as the Collaborative for Peace in Sudan (CfPS), launched community level, bottom-up approaches to peacebuilding. CfPS built Peace Committees composed of locally elected members to address local disputes. Producing a medium of dispute resolution outside the realm of conflict allowed the committees to halt the cycle of violence in its tracks. In fact, 32 Peace Committee interventions have successfully prevented an outbreak of violence. On a small-scale, peacebuilding in Sudan has had major accomplishments. However, the peacebuilding projects have yet to prevent the relapse into conflict. This is because the majority of peacebuilding operations do not address the root causes of the violence and the conflict that have been apparent for decades. For the cycle to come to a full-stop, food insecurity, land rights, and previous pain and trauma must be addressed.

Both the use of transitional justice mechanisms and peacebuilding programs have begun to serve the needs of the people of Sudan. However, that is not to say that these frameworks, mechanisms, and programs have not contributed at all. In fact, they have made major strides in repairing harm done and establishing the foundations for sustainable peace in Sudan. Nevertheless, they will not do so by themselves. The process in long and hard and will take the cooperation of a multitude of actors to do so.

Foundations of the Conflict

Though rooted in ethnic tensions, the conflict in Sudan, most recently the Second Civil War and its offshoots, were catalyzed by economic and agricultural conditions. In a nation whose boundaries were drawn by colonial power pushing hundreds of ethnic identities together, a struggle for power was nearly inevitable upon the removal of a common denominator–colonialism. Fanning the conflict furthermore, the resources most crucial to economic survival during the economic decline, particularly oil, were located within disputed territory. Consequently, ethnic and "in-group" tendencies led foreign and domestic actors to support their side of the conflict, often disregarding the human rights and international law violations committed by parties of the conflict and pursuing their own interests.

The burning of agriculture, slaughtering of thousands, mass rapes, and structural violence amounted to crimes against humanity but were considered short of genocide by many. However, the fact-finding missions by civil society and international organizations showed purposefully executed plans aimed at destroying the livelihoods, physical and mental health, and eventually, culture of involved ethnic groups, all denoting genocide. The strategies used in the conflict, such as the burning of agriculture, led to further decline of economy and the thrusting of millions into food insecurity and famine. Many of these individuals turned towards militias as hatred grew within, trauma took hold, and desperation for food and economic support increased. The foreign and government-backed militias were able to provide the stability vulnerable individuals needed. As the militias gained backing, they, too, gained a desire for power, eventually forgetting the fight against the oppressor and instead choosing to fight for power over whatever structure would come next, even after independence from the original oppressor. A cycle of violent conflict ensued.

Before the Imposition of Foreign Ideals

Before the imposition of foreign ideals from the British, Turks, and Arabs, southern Sudanese peoples preferred inward-focused political units concentrated on the interests of the smaller, tight-knit tribes rather than western-style central institutions focusing on collective defense and prosperity of an amalgamation of ethnic groups (Beswick, 1991). In southern Sudan alone, 573 distinct ethnic groups and sub-groups lived side by side, most of which with their own governing system (Beswick, 1991). In the 13th century A.D., masses of Arabs from the Arabian Peninsula invaded Northern Sudan aiming to Islamize and Arabize the Northern Sudanese ethnic groups (Poggo, 2002). The Arabs penetrating the region capitalized on the Nubians', the major ethnic group of Northern Sudan, practice of *matrilineal* descent, intermarrying many and transferring their Arab identities through the Arab practice of *patrilineal* descent (Poggo, 2002). As the Arab Muslims attempted to spread their culture and ideology across the southern part of the region, they were impeded by the topography of the land and the strength of the Nilotic peoples, the people of the Nile (Poggo, 2002). Moreover, the Dinka and Shilluk ethnic groups of Southern Sudan, largely pastoralists and followers of tribal religions, were notably aggressive to foreign intruders, considering their cultures and religions to be inferior and alien (Poggo, 2002).

Religion under Colonialism

Christianity's impact on the nation began when the Turco-Egyptian administration, which conquered the country in 1821 and ruled until 1885, was the "least intolerant regime to Christians" (Poggo, 2002, p. 68). On April 3, 1846, Pope Gregory XVI issued a decree establishing the Apostolic Vicariate of Central Africa and the aim of "the conversion of the Negroes to Christianity, the bringing of assistance to the Christians who were in the Sudan as traders, and the suppression of the slave trade" (Poggo, 2002, p. 68). In 1847, the Roman Catholic Church became the first permanent Christian Evangelizing mission in Sudan, eventually to be used by the British as a tool for preventing unity.

Meanwhile, the Al-Mahdiyyah movement, a religious movement established with the aim to reform Islam, gained traction when Muhammad Ahmad ibn 'Abd Allah, a claimed descendent of the Prophet Mohammad, toured the Sudanese state of Kordofan

and learned of the actions of the Turco-Egyptians–actions he considered to be infidel (The Editors of Encyclopaedia Britannica, 2009). In 1881, Muhammad Ahmad declared himself the "al-mahdi al-muntazr," the divinely guided one, and became apotheosized as a prominent figure to bring about the end of an "age of darkness" (The Editors of Encyclopaedia Britannica,

Muhammad Ahmad ibn 'Abd Allah (Embassy of Sudan)

2009). He inspired and created followers out of those who had felt attacked by Egyptian orthodoxy, the slave trade merchants who had previously driven the slavery of non-Arabs, and the Baqarah Arab cattle nomads of

Kordofan and Darfur who loathed both the government and its taxes. Collectively, they formed the Mahdist Revolutionary Army, and by 1882, they had gained control of Kordofan. On January 26, 1885, the Mahdists army captured Khartoum and established the Mahdist state. The southern Sudanese peoples fought the Mahdists with equal weary of Islam as they had of Christianity.

By the time the British took control of Sudan in 1898, the southern region had religious freedom. However, the British separated the Northern and Southern peoples by encouraging the spread of Christianity in the southern region and furthering cultural and ideological differences between the peoples, effectively weakening their collective power. By the time the British withdrew from Sudan on January 1, 1956, very few Southern Sudanese people identified as Muslim, and all that remained was a weak collective identity of the Sudanese people.

The Fight for Control

As the British withdrew their iron fist that had previously suppressed the peoples of Sudan in a step of decolonization, the opposing identities returned to a struggle for power. Before decolonization, there remained some level of collective identity for the Sudanese people; every person was suffering under the oppression of the colonial power. Following decolonization, the united front against the oppressor fell, and coups were launched, often placing the opposing identity in an inferior position through systematic and structural violence. The push for nationalism and collective identity repeatedly instigated violence. The nation's tribal roots from pre-colonization were not intended to operate on the western, Westphalian system of state security and prosperity. Though the north of Sudan had been indoctrinated into a common identity of Arabism and Islam, the south of the country had never fully adapted a unified identity. Rather, they remained split by ethnic group, religious practices, or by regional affiliation. Following every fight for power, a forceful and structurally violent attempt to unify the nation transpired, whether through deprivation of tools to success, elimination of freedom of thought, or with government control of resources. The nation was to remain in turmoil for as long as respect for autonomy remained absent.

Islamization and Arabization

In 1958, just two years after independence from the British, General Ibrahim Abboud, the commander in chief of the Sudan Defense Forces, overthrew the

democratic government of then-prime minister Abdalla Khalil. Immediately dissolving the constitution, abolishing all political parties, and deconstructing the Parliament, he established the Supreme Council of Armed Forces, composed purely of senior military officers. Abboud prioritized Islamization and Arabization while attributing the failures of Abdalla Khalil's government to a lack of unity across the nation. He pursued a policy to,

> "keep the South in united Sudan at all costs irrespective of means used… not to develop the South while there is still certainty that it may break away… to break the link between Southern intelligentsia with the Southern public, by keeping the former in the North and carefully watching those in the south… keeping Southerners out of defense and security forces as much as possible… finding fault with those who had joined these forces before the outbreak of the 1955 revolt and immediately thinning them out… forcing the Southerners to relinquish all their habits and ways of life in preference of Arab culture and way of life… [and] keeping the south out of contact with the outside world" (Poggo, 2002, p. 72).

Abboud succeeded in diminishing the strength of the southern peoples by mandating Islamic schools, imposing the Arabic language as a requirement in the South (previously only English or tribal languages were used in the South), and threatening chiefs with the removal of their traditional authority (Poggo, 2002). In doing so, he required Islam as a prerequisite to success. Only those who enrolled in school would succeed, yet the only schools available embraced Islam and demonized Christian and traditional ethnic and religious practices. Moreover, the South lost their access to modern technology and development, isolating the people further from the ever-globalizing world and ensuring dependence on the North.

Systematic violence evolved into violent assault in 1955 when Southerners found themselves at the brunt of targeted attacks on behalf of Sudanese forces, often with encouragement from Khartoum (Rolandsen, 2011). In February of 1962, a group of southerners had organized the Sudan Closed Districts National Union, later changing its name to the Sudan African National Union. The group's primary objective was southern independence, and it was ready to fight. It had armed itself by stealing weapons intended for the Simba rebellion in the Congo, and its military wing, called the Anya Nya, purchased arms from Congolese and international arms dealers, eventually triggering the First Sudanese Civil War (1955-1972).

The Anya Nya (Downing, 2014)

The Anya Nya were no longer waiting for the Sudanese government to weaken. Instead, they were on a mission to find the resources to, "mount the rebellion whose source was the government's inability to commit to a bargain with the South" (Fearon and Laitin, 2006, p. 13). The group is considered the predecessor to the Sudan People's Liberation Army that led the charge in the Second Sudanese Civil War.

The October Revolution

On September 9, 1964, Dr. Hasan Turabi, a university member and a self-proclaimed "Muslim Brother", attributed the "problem of the south" to the constitutional make-up of the nation and argued that the only solution was by "democratic means" (Hasan, 1967, p. 505, 506). As the call for discussion expanded and extreme criticism of the government grew more pronounced, the government announced the prohibition of any discussion of the "problem of the south" in fear of a fractioned society. On the night of October 21, 1964, university students gathered in defiance of the prohibition to further discuss the issues in the south. Police quickly surrounded them, ordered them to disperse, and gassed them upon refusal. The students threw stones and bricks, triggering the police to open fire, eventually killing one and wounding many (Hasan, 1967). The government's resort to extreme actions incited protests from thousands of citizens. As tanks and guns covered the streets, rioting continued and demonstrators–mainly the Communists –organized the masses into a unified political party, the United National Front (UNF) (Hasan, 1967). By Saturday October 24th, the strike had effectively dismantled general government communications and machinery, bringing Abboud's military regime to its knees.

Negotiations between the UNF and the military forces began on Tuesday October 27th. Abboud pushed for the creation of a New Supreme Council of the Armed Forces, however the UNF strongly opposed the idea. On Friday October 29th, the parties consented to

a nine-point agreement recognized as the National Charter. The Charter included the original demands of the UNF, such as,

> "the liquidation of the military regime, the formation of a caretaker government whose main responsibility would be to prepare the way for the election of the Constituent Assembly, the revival of the freedom of the press and of expression, the cancellation of all laws which restricted freedom, and the safeguarding of the independence of the judiciary and the university" (Hasan, 1967, p. 508).

The transitional government was inaugurated the following day. This was one of the first attempts at justice and peacebuilding in Sudan. The cessation of a military regime provided a taste of freedom, one of which the peoples would come to remember and be inspired by for decades to come.

"Everything Must Change": a Military Coup

After graduating from the U.S. Army Command College at Fort Leavenworth, Kansas, Colonel Gaafar al-Nimeiri led a group of rogue, young military leaders called the Free Officers and successfully arrested the top Sudanese Army Generals at 4:00 am on May 25, 1969. By 7:00 am, al-Nimeiri had broadcasted recorded speeches over Radio Omdurman and officially overthrown the civilian government. As the self-established Prime Minister and chairman of the new Revolutionary Command Council, al-Nimeiri used socialism and pan-Arabism to guide his actions, beginning the nationalization of banks, industries, and land, and the use of East German and Russian advisors for guidance. In December 1969, al-Nimeiri expanded the nation's Arab identity when he committed to join the pan-Arab Federation of States alongside Libya, Egypt, and Syria. Nationalism of industry was bound to have monstrous consequences in this nation of limited resources, poverty, and ethnic tensions if the government favored one domestic identity group – in this case, the Arabs.

Communism vs. Socialism

In 1970, al-Nimeiri launched an air raid on Aba Island in retaliation to a protest against his new government. The raid killed over 10,000 members of the modern followers of the Mahdists, members of the Ummah Party called the Ansar which had long been housed on the island. With one opposition party already eliminated, the Sudanese Communist Party pleaded for a voice in government. Feeling threatened, al-Nimeiri exiled the leader of the Sudanese Communist Party, Abd al Khaliq Mahjub. In Nimeiri's

fight against Communism, he placed trade unions under government control, banned communist student, professional, and women's organizations, and established the Sudan Socialist Union as the national political party, effectively consolidating his power. On July 19, 1971, Major Hisham al Atta, a communist leader, took al-Nimeiri prisoner and declared a Communist government. Nimeiri's military remained loyal, rescuing him three days later and ordering the arrest and execution of hundreds of communists in retaliation, including Mahjub. After surviving the coup, he adopted a provisional constitution declaring Sudan a "socialist democracy" and established a presidential structure of government. Following al-Nimeiri's election into the presidency, he turned towards the democratic west, outlawing communism and denouncing the Soviets and other communist advocates across Europe.

Potential for Peace

The stage for the future conflict arose in the transformation from the dictatorship to the Presidency. The principles of democracy demanded al-Nimeiri to please the majority of the population to maintain his own and his supporters' power. To do so, al-Nimeiri provided the majority group, the northern Arabs, with resources, money, jobs, education, and religious satisfaction–all of which to the detriment of the southerners. The ideal path to avoid this detriment was to provide autonomy to the southerners. Instead, the lack of autonomy drove the southern Sudanese's frustration in the conflict. For generations, the southern Sudanese peoples felt deprived of the basic rights to education, their own property, and their own identity. In the years following al-Nimeiri's turn towards the expansion of government, religion's role within it, and a greater push for nationalism, the Anya Nya became increasingly aggressive and deadly as they worked to push al-Nimeiri to negotiate southern autonomy.

Addis Ababa Peace Agreement of 1972

As violence grew on behalf of the Anya Nya, and al-Nimeiri was in desperate need of political support in his recently founded presidential socialist democracy, the leader leaned towards a peace agreement between the government and the Anya Nya. Al-Nimeiri and General Joseph Lagu, the leader of the Anya Nya, met in Addis Ababa to discuss the potential for peace. Eventually known as the Addis Ababa Peace Agreement of 1972, the document established that the south would gain autonomy, yet without full independence. The agreement stipulated that exiles

who returned would be provided with reception facilities for shelter, food, and other basic resettlement needs, and that the Anya Nya guerilla fighters would be absorbed into the Northern Army. The agreement also stipulated that the south would be ruled through a parliamentary government and that southern elections would be held every 18 months, given that they were organized and sponsored by the Sudan Socialist Union. The system was destined to fail because the government had severely damaged the potential for a functioning western political system by depriving the southern peoples of a western education, an act of structural violence intended to hold the southern, traditional African groups in an inferior political position. There was no immediate way for the common person to understand the intricacies of the political process and no mass media to trigger mobilization around critical issues. Most damaging, the procedure of voting was obscure and unknown. Without knowing any different, people stood behind those that looked like them, forming an ethnic-based ballot. Accordingly, the two major ethnic groups, the Equatorians and the Dinka, dominated regional politics and faced massive tension.

Resources Drive the Conflict

The 1972 Addis Ababa Peace Agreement also affirmed that the central government was to control oil exploration and production (Switzer, 2002). In addition, it specified that the southern regional government had rights to government profits on exports from the region and taxes on private businesses conducting operations there (Switzer, 2002). This, however, was against Nimeiri's socialist ideals. If it lied within his nation, he wanted its profits to return to *his* government and *his* supporters–once again, to maintain his power.

The Unity State – Al -Wahida

In 1974, Chevron began its search for oil in the region. The major discovery of 1978 was in the town of Bentiu, a town in what is now South Sudan. In 1980, al-Nimeiri redrew the borders of the North and South to create a province called "Al-Wahida", or "the Unity State", around the town of Bentiu, to ensure profits benefited both regions (Switzer, 2002). However, the government's discrimination towards the South took hold once again, leaving the south incapacitated and rid of its own resources. The southern government argued that the oil was located on tribal land, and that they should funnel the oil into Kenya for their own needs, but the north succeeded in taking complete control of the reserves.

Security Operations in Unity State (Radio Tamajuz)

In December of 1980, the Sudanese National Assembly passed a decentralization bill, commonly perceived as an "obvious and even deliberate encroachment upon the territories that were ostensibly part of Southern Sudan" (Moro, 2006, p. 76). In return, the southern Assembly passed several resolutions condemning Chevron in its politically motivated decisions. Al-Nimeiri took no interest in the frustration of the southern government. In fact, in 1981, he ordered the construction of a refinery in the southern town of Kosti, intentionally preventing benefits from taxes and revenues from landing in the hands of the southerners.

Solidifying Power by Fractioned Governance

Al-Nimeiri had a strong understanding of the ethnic and tribal tendencies of the southerners and capitalized on the tension to politically weaken the South. Joseph Lagu, a leader of the Equatorians, began calling for further division of the south in 1980 when he was defeated by the Dinka leader, Abel Alier, in the presidential elections of the Southern Region's High Executive Council. Resorting to accusations of Dinka-led corruption and failed management, Equatorians fought for further division of control. However, the Dinkas and other opposing groups argued that further division would only lead to greater political strength in the north and higher chances of Nimeiri's administration taking even greater advantage of the south, likely worsening restrictions on access to resources. When Joseph James Tombura, an Equatorian allied with a large Dinka faction, won the election of 1982, he headed to Nimeiri to advocate for the re-division of the south. Though the proposal was rejected by the regional congress of the Sudan Socialist Union, the Equatorians, to gain control, purposefully miscommunicated the report of the vote to portray approval of re-division. The excitement among southerners and the support of the Regional Government convinced Nimeiri to declare the creation of three southern regions in defiance of the Dinkas' wishes: the Upper Nile, Bahr el Ghazaal, and Equatoria. Though expressed as an attempt to reverse back to the parochial political structures native to the

land, the division played directly into Nimeiri's "'divide-and-rule' strategy" (Mawson, 1984, p. 524). Al-Nimeiri had one stipulation: southern troops would be stationed in the north and replaced by northern soldiers in the south. The imposition of an oppressive military presence in the southern region sent many fleeing to join the rebels. These rebels would soon become the Sudan People's Liberation Movement (SPLM), led by John Garang.

Sharia Law: A Catalyst

The nation tipped into civil war when al-Nimeiri implemented Sharia law in 1983. He claimed that non-Muslims would not be required to obey by the law, though it quickly became clear that *all* people were to be subject to the harsh punishments for violations, even if they were not Muslim. The trend towards Islamization continued as Nimeiri's government proposed amendments to the constitution, requiring knowledge of Islam as a pre-requisite to political participation and further implementing Islamic law on non-Muslim southerners. Months later, the two former rivals and presidents of the Southern Region High Executive Council, Joseph Lagu and Abel Alier, warned al-Nimeiri that the South had perceived these constitutional amendments as a threat to Sudanese unity and a vagrant violation of the Addis Ababa Agreement of 1972. The agreement quickly deteriorated, and civil war erupted.

Complexities and Initial Steps Towards Peace

The violence escalated when the Khartoum-based Government of Sudan (GoS) financed tribal militias to kill ethnic Dinka civilians and SPLA recruits. Though the tribal militias included southern Sudanese tribes, called "friendly forces," most of the militiamen were pulled from Arab groups living on the northern side of the north-south boundary. These men, also known as "Murahaliin" or "nomads," practiced a "scorched earth policy," burning villages suspected of supporting the main southern rebel group, the Sudan People's Liberation Movement/Army (SPLM/A), to the ground, looting their cattle and valuables, and forcefully preventing access to secure food sources. They also committed mass rape, often abducting women and children into slavery. Militia-launched retaliatory acts killed thousands, but they subsided when the SPLA took a greater hold of the area and had the force to hold off militias. Sudan was in desperate need of action to put a halt to the violence.

The remains of Seraf,
a village destroyed by the scorched earth policy
(UNHCR/McKinsey, 2005)

Domestic Calls to Action

In 1985, Lieutenant General Abdel Rahman Swar al-Dahab overthrew Nimeiri, created the Transitional Military Council (TMC) to rule Sudan, and dissolved the previous political structure. Dahab established general amnesty and a unilateral ceasefire in attempt to calm the ever-growing conflict. In its transitional constitution, the TMC decreed that power would be passed to a democratically elected government by April 25, 1986. As the TMC slowly released political prisoners and exiled political leaders returned, parties reemerged and distributed their propaganda. The Ummah Party, the traditional party derived from the Mahdist State and based on the Ansar movement, received 100 seats in the parliament, representing 39 percent of the 258 geographic districts and maintaining political strength in Kordofan, Darfur, the White Nile, and Khartoum. The Democratic Unionist Party (DUP), a party which openly criticized the notion of negotiating with the SPLM, received 63 seats–nearly a quarter of the total seats. Meanwhile, the National Islamic Front (NIF), a party loosely associated with the Muslim Brotherhood and critical of a secular state, obtained 51 seats. The new government, under the leadership of Prime Minister Sadiq al-Mahdi, head of the Ummah Party, was to solve "the southern problem" with three strategies: diplomacy with external actors, strengthening the Sudanese military forces, and holding a constitutional conference to find solutions to discrepancies over wealth, power, and religion (Khalifa, 1989). In the meantime, an economic crisis intensified with a growing famine, killing nearly half of million people. Simultaneously, the NIF was partnering with Omar al-Bashir in pursuit of an Islamic regime.

In late 1988, Mohamed Osman al-Mirghani, the leader of the Democratic Unionist Party (DUP), met with John Garang, the leader of the SPLM to agree on a cease fire, the hold on Sharia law, and the creation of a constitutional conference to negotiate the difficulties faced nationwide. Prime Minister Sadiq al-Mahdi and Islamic Front leader Dr. Hassan al-Turabi rejected the agreement. Frustrated with the worsening situation, the military demanded that the government work bona fide towards ending the war. The many political parties banded to form a national coalition government, though excluding the Communist Party and the Islamic Front. The coalition government adopted the agreement between Al-Mirghani and Garang with negotiations set to continue in July of 1989.

Just before continuing negotiations, the military overthrew al-Mahdi's government, establishing a Revolutionary Council led by General Omar al-Bashir, a devout pan-Arabist and Islamist. Al-Bashir declared the need to address the "southern issue" as the primary motivation of the coup. Behind closed doors, al-Bashir was urging a policy of hardline enforcement of Sharia law–one which eventually materialized in the form of public floggings, amputations, executions, and prolonged imprisonment. As negotiations remained in the air, the conflict that ensued resulted in millions of displaced persons, mass food shortages, and destruction of infrastructure.

Ethnicity Breaks Unity

Garang began to lose power over the SPLA when Ethiopia, whom the SPLA heavily relied on for support, faced its own internal conflict. In August of 1991, Riek Machar, Lam Akol, and Gordon Kong, all senior commanders of the SPLA, overthrew Garang. On August 28, 1991, the three announced on BBC Radio that the SPLA had been operating inefficiently and in a dictatorial fashion, and that they would institute greater democracy within the SPLA and hold higher respect for human rights. Instead, the action fractioned the rebel army into the SPLA-Nasir, composed of ethnic Nuer and Shilluk and led by Riek Machar, and the SPLA-Mainstream, led by Garang and composed his Dinka followers. After months of conflict and ethnic-based civilian killings, the Nasir faction gained control of the countryside in the Upper Nile and the Mainstream Faction controlled most of Equatoria and Bahr-el-Ghazal.

An "in-group" mentality had become a primary factor of the developing conflict. In past times, the conflict between the two main ethnic groups, the Nuer and the Dinka, had only taken place in economic discrepancies (Jok and Huntchinson, 1999, p. 129). The parochial, tribal system had never allowed an educated leader to pursue the political backing of uneducated, rural constituents. Under a collective, larger system, the politicians in search of political capital and a stronger following purposefully framed

the other as a threat to the accusing group's safety and security (Jok and Huntchinson, 1999, p. 129). Assaults were launched between the Nuer and Dinka largely in the form of military raids. The government in Khartoum was aware that intrastate conflict between two government opposition factions would only make its fight easier and provide al-Bashir the opportunity to swiftly enact his discriminatory policies, advancing his own political agenda. That said, he actively catalyzed the conflict with proxy support and attributing the conflict to tribal rivalries rather than Northern-imposed discriminatory policy (Jok and Huntchinson, 1999, p. 129).

In 1994, SPLA-Nasir had suffered from several defections to both Garang's militia and the government, leading Nasir to seek out any remaining potential for political support. To make a clear statement of the group's intention, independence, the group changed its name to the Sudan Independence Movement/Army (SSIA). Machar turned to the government in Khartoum for support in his fight against Garang's SPLA-Mainstream as his group suffered from low ammunition and resources. Just two years later, as inter-militia conflict escalated, the National Islamic Front-led government in Khartoum called for Machar and former SPLA officers to negotiate a peace agreement. The "Peace Charter" of 1996, built upon the phrase "peace from within," was later transformed into a formal peace agreement. The agreement stipulated that if Machar were to merge his forces into the national army, now called the Southern Sudan Defense Force (SSDF), then a regional referendum on Southern Sudanese independence would be on the ballot after an interim period of at least four years (Jok and Huntchinson, 1999). In 1997, SPLA-Mainstream had taken control of strategic strong-holds in the Equatoria, Bahr el-Ghazal, and the Southern Blue Nile. The Khartoum government had not intended for the negotiations to lead to a discussion of independence and had not expected the SPLA to gain strength. Al-Bashir was now invested in the fight and incentivized to support a proxy-war, pitting the SPLA factions against each other while distracting them from the Khartoum government, their common opposition.

The tit-for-tat fighting continued as the Khartoum government and the SPLA-Mainstream provided ammunition and weaponry to southern factions, effectively fanning the flame of the conflict. As the number of small arms in the region increased, more and more groups of armed civilians broke off to defend their property and territory. The SPLA-Mainstream, for example, established a Dinka civilian-militia called the "Twiteng," or "cattle guards," to defend their cattle and livestock from SSIA attacks. Likewise, the SSIA established the "White Army," or "Dec in boor," to

protect their own livestock. The conflict had transcended from a fight over independence and the path there, to a back-and-forth, everlasting cycle of revenge (Jok and Huntchinson, 1999, p. 129).

The White Army en route to the town of Bor
(Radio Tamajuz)

Regional Effort for Peace

As regional actors began to oppose the actions of the Islamist government, they began to more actively seek peace through negotiations. The SPLA-Mainstream, the SPLA-Nasir, and the GoS negotiated under the guidance of the Organization of African Unity (OAU) in Abuja, Nigeria from 1992 to 1993. After negotiations crumbled in Abuja, the Intergovernmental Authority on Drought and Development (IGAD/D), a regional sub-Saharan organization that focuses on draught and food insecurity issues, stepped in to broker a peace deal. The parties submitted the 1994 Declaration of Principles in the second round of IGAD talks, outlining the conditions for a lasting resolution to the civil war. The Declaration argued that "democracy, secularism, and fair and equal development throughout the country" were "prerequisites" to peaceful resolution (Prendergast and Mozersky, 2004, p. 71). The Declaration also endorsed the South's right to self-determination and specified that the South should be provided with a referendum if the GoS did not meet certain conditions, such as secularization and democratization. The Khartoum government rejected the Declaration and halted negotiations. The SPLA, however, strongly supported the Declaration. As Uganda and Ethiopia, both members of the IGAD, expanded their military and political support for the SPLA, the rebels gained traction in their fight against the government. Meanwhile, the Eritreans and Egyptians were operating military interventions in the Red Sea Hills along the Eritrean border on behalf of the National Democratic Alliance, a larger opposition group of which the SPLA was a member.

The Machakos Protocol

The hostilities against the government increased pressure and eventually coerced the Khartoum government back to the negotiating table with the IGAD. With the process crawling forward, Egypt and Libya took the reins in negotiations in 1997, and again in 2000 in the Joint Libyan-Egyptian Initiative, though both quickly failed. The United States, the United Kingdom, and Norway made way and revitalized the IGAD peace initiative following the 9/11 attacks in an attempt to pinpoint Sudan either as an ally in the fight on terror or as a supporter of Al Qaeda as it had been in the past. Simultaneously, Eritrea, Uganda, Ethiopia, and Kenya established a team of mediators, and one month later, on July 20, 2002, the parties signed the Machakos Protocol as a launching point for further peace talks. The Protocol promised a self-determination referendum for the South after a six-and-a-half-year period while also allowing the Khartoum government to enforce Sharia law in the North. It declared the future talks priority to be the unity of the country and inferred that they would work towards incentivizing unity for Southerners throughout the six-year period.

Darfur: A Domino Effect

Just as the conflict seemed to be coming to an end, it became apparent that foreign interference would escalate the war. In October of 2002, just three months after the signing of the Machakos Protocol, Eritrea was said to have been militarily supporting the NDA and SPLA in Eastern Sudan in the fight against the North. In an effort to intimidate Eritrea, the Khartoum government banded together with Ethiopia and Yemen to create a coalition. Khartoum also signed an agreement with the Ugandan government in 2003, allowing the Ugandan military to seek the Lord's Resistance Army (LRA) in southern Uganda even though Khartoum was evidently supporting the LRA. Domestically, the civil war continued to sprout in the Darfur region of Western Sudan in 2003, when long-lasting competition over land finally came to a peak and government intervention dramatically escalated violence. The Darfur region was previously multi-ethnic sultanate until the year 1916, and as a region in modern-day Sudan, had been generally stable until the 1980s. This stability is said to have been rooted in an agreement over land rights that eventually began to deteriorate (Sørbø, 2010).

The majority ethnic groups, namely the Fur, the Baggara cattle-owning Arabs, the Masalit, the Zaghawa, the Tunjur, and smaller African tribes managed to take the upper hand in the agreement.

However, the Abbala, the camel-herding Arabs were left disadvantaged. As the wars in Chad just over the border funneled small arms into the hands of frustrated Arab Darfurians, Ghaddafi in Libya advocated for Arab-supremacy, and the central government funded militias across the country to massacre non-Arabs, the conflict became increasingly devastating.

Bashir welcomes Ghaddafi upon arrival to Sudan
(Agence France-Presse, 2010)

Moreover, the years of drought and famine had forced the herders to allow their livestock to feed on the lands of farmers. Eventually, the African, agricultural tribes became infuriated with both the cattle and camel-herding Arab tribes. The Arabs banded together in contest, together with the ideology of Khartoum, forming the first militias in seek of land.

In 2003, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) were established to demand for equitable distribution of land. Both the Sudan Liberation Army, originally founded as the Darfur Liberation Front and led by Minni Minnawi and Abdul Wahid al Nur, and the Justice and Equality Movement, founded by Khalil Ibrahim, were opposed to the government on the basis of discrimination, lack of equal justice, and political and economic marginalization. The SLA and JEM are largely composed of the Zaghawa ethnic group–the same group from which the Chadian President, Idriss Deby descends from. As a result, Chad is said to have been entwined in the conflict as well. Following a successful assault on government forces in northern Darfur by the SLA, the Khartoum government funded and armed local and regional Arab militias, called the Janjaweed, to deploy scorch-earth campaigns and mass counter-insurgency operations (Prendergast and Mozersky, 2004).

On April 7, 2004, as stories of raided villages, burned crops, and mass killings were disseminated from NGOs, human rights organizations, and the media, then Secretary-General Kofi Annan called on the international community to take action against the human rights violations and provide support for the increasingly large humanitarian crisis in Darfur. By that date, Human Rights Watch had already found

"credible evidence that the government of Sudan has purposefully sought to remove by violent means the Masalit and Fur population from large parts of Darfur in operations that amount to ethnic cleansing" (Clough, 2005, p. 4). One month later, the President of the Security Council called for Sudan to disarm the Janjaweed.

Janjaweed on camel-back (Farrow, n.d.)

International Peace Efforts

The international community was aware that the Second Sudanese Civil War involved a plethora of parties, with each branch of the conflict rooted in different causes and thus in need of different solutions. Believing that solving the north-south crisis first would calm tensions in Darfur, the international community neglected discussion on the violence in Darfur out of fear that the Khartoum government would pull out of the Comprehensive Peace Agreement's continued discussions, the Naivasha talks. Rather, the primary goal of the international community was to ensure that the presumably best chance at peace, the Comprehensive Peace Agreement, would be successful in creating peace and mitigating conflict between the SPLM/A and the GoS.

The Comprehensive Peace Agreement

The Comprehensive Peace Agreement (CPA) was composed of six protocols, all of which were signed in late 2003 and early 2004, though the final agreement was signed much later. The first agreement, the Protocol on Power Sharing, established an asymmetrical federal system allowing the south to retain autonomy with a regional government, the Government of South Sudan, while maintaining representation in a federal government, the Government of National Unity. It also involved reconciling with government opposition, and providing them access to political participation, as was done with the NDA in a reconciliation deal. The Agreement on Wealth Sharing mandated that two percent of all revenue be shared by oil-producing

states, and that all remaining revenue would be split with the government of southern Sudan taking one half of the revenue and the national government and the states of northern Sudan taking the other. The next three protocols were in specific regard to three areas: the Abyei Area, the Southern Kordofan Region, and the Blue Nile states. These protocols defined the Abyei area as a "bridge between the north and the south" because of its Dinka history prior to its transfer to northern control during the Anglo-Egyptian rule. Negotiators recognized the complexities in the Southern Kordofan Region and Blue Nile state, so the protocols established land commissions to resolve territorial disputes at the root of the conflict, provided a separate government structure, and implemented a monitoring commission to study the impact of the CPA. The last agreement was a ceasefire intended to cover Bahr El-Ghazal, Equatoria, the Upper Nile, the Nuba Mountains, the Southern Blue Nile, Abyei, and Eastern Sudan. The CPA also stipulated that the Sudanese Armed Forces (SAF), the military forces of the GoS, and the SPLA would remain separate for the six-year interim period leading up to the independence referendum.

United Nations Advance Mission in Sudan

In recognition of the CPA, and to ensure that the stipulations of the CPA were met by both sides, the United Nations Security Council adopted Resolution 1547 in June of 2004. The document "declared its readiness" to implement an operation in support of the CPA, but first welcomed the Secretary-General's proposal to establish a three-month United Nations Advance Mission in Sudan (Security Council Resolution 1547). The mass size of Sudan, comparable to that of Western Europe, and the ravaged infrastructure in South Sudan were expected to be grave logistical challenges of a future United Nations operation (Annan, 2004b). This mission was to prepare for international monitoring as established in the previously established security and military agreements and for the introduction of a "peace support" operation (Security Council Resolution 1547). The resolution also called for an "effective public information capacity… to promote understanding of the peace process and the role of a United Nations peace support operation will play among local communities and the parties" (Security Council Resolution 1547). Lastly, the resolution endorsed the conclusions of the Secretary-General in his report on the situation in Sudan with specific attention to the call for parties to use influence to bring an immediate halt to the violence in Darfur and the Upper Nile (Security Council Resolution 1547). In this

endorsement, the resolution welcomed the African Union and its efforts to support peace in Sudan.

The Abuja Talks and AU Mission in Sudan

On July 30, 2004, the Security Council passed Resolution 1556 (2204), in which contingency planning for the Darfur region was incorporated into the mission, and a request for the African Union to assist with the planning and assessment of a mission in Darfur was made. With the passing of the resolution, the Secretary-General requested four field offices to be built in Darfur to serve political, civil, military, police, humanitarian, and logistical support and liaison functions, establishing relations with local authorities in rebel-controlled territories and expanding its presence as human rights monitors. At that time, only 53 percent of the resources needed for the Darfur crisis had been received, massively impeding the peace process (Annan, 2004a). Furthermore, only 20 percent of funds for returnee and reintegration operations had been received, leaving populations in crisis, including tens of thousands internally displaced persons, stranded and with no place to return, (Annan, 2004a). However, the international community would find its way through the scarce funding in an effort to build sustainable peace. The United Nations took responsibility for the delivery of humanitarian assistance, and the African Union's mission led the political mediation and monitoring of the Humanitarian Ceasefire Agreement signed in N'Djamena on 8 April 2004. However, they did not stop the parties of the conflict from violating the ceasefire or attacking civilians.

In early December of 2004, clashes between the SLA and government forces were escalating. The government had begun road-clearing operations aimed at ridding the streets of theft and re-establishing control over central roads. The SLA replied with a series of attacks in east Darfur and west Kordofan, killing many and interfering with daily humanitarian and civilian traffic. In Abuja, Nigeria, peace talks led by the African Union were struggling to find a path towards peace in what seemed to be a cycle of retaliatory violence and baseless accusations. The AU Ceasefire Commission chairman described the situation in Darfur as "a range of hostile moves by both sides and the resolve of all the parties, including the armed militias, to adopt a retaliatory posture to any action taken by the other" (Annan, 2005b, p. 3). At that time, the government in Khartoum had failed to meet several obligations, including the establishment of a commission to collect weapons and disarm the Janjaweed, the apprehension and prosecution of Janjaweed leaders, and effective action to stop the Janjaweed's vicious and retaliatory acts–all of which

were obligations outlined in previous Security Council resolutions.

The humanitarian situation in Darfur severely suffered from the cycle of violence between the SLA and the Janjaweed. Over 2.2 million people had been impacted by the conflict as of January 2005, with nearly 1.7 million people internally displaced (Annan, 2005b). Under 1.1 million people had access to clean water, and 8.5 million of the internally displaced had access to sanitation services (Annan, 2005b). After several attacks on NGOs from all sides of the conflict, many organizations suspended operations. Large-scale killings of civilians, rapes, and abductions frequently occurred, and livelihoods were destroyed. The International Committee of the Red Cross reported that less than 33 percent of the usual number of crops were planted in May, leading to a severe dependence on humanitarian assistance in the presence of a growing food shortage (Annan, 2005). As the number of people impacted by the violence grew and the sides refused to comply with ceasefires, trust in the peace process weakened both within and externally.

Genocide: UN Mission in Sudan

The CPA was officially signed on January 9, 2005, allowing the UN to move forward with its mission to observe, preserve, and protect the "peace" in Sudan. By the end of the month, the Secretary-General had sent a letter to the President of the Security Council with the report of violations of international humanitarian law and human rights law in Darfur, as was established just 3 months previous. The Secretary-General's Commission determined that,

> "the Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law. In particular, the Commission found that Government forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur. These acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity" (Annan, 2005a, p. 4).

A victim of the genocide in Darfur
(Reeves, 2016)

The commission had determined that the government had not committed genocide, though it did recognize the killing, causing of bodily and mental harm, and the deliberate infliction of live conditions likely to bring about destruction. Other information from the report suggested that the targeted group was attacked on the basis of its existence. Lastly, the commission specified that although some people acted with genocidal intent, the government as a whole was not acting on a policy of genocide. Foreign governments, however, began to take stances. The United States, for example, condemned the "atrocities," and in September of 2004, concluded that the Sudanese government and the Janjaweed had committed genocide. With the pursuit of justice, it became critical that the United Nations take the necessary steps to ensure justice was fully pursued and bring the conflict to an end, just as agreed upon in the CPA.

Resolution 1590 (2005) was adopted by the Security Council on March 24, 2005, launching the United Nations Mission in Sudan (UNMIS). The Resolution established the mission for an initial period of six months with personnel of 10,000 military persons and 715 civilian police officers. The mandate required the Mission to monitor and verify the implementation of the Ceasefire Agreement, assist with the disarmament and reintegration program as called for in the CPA, assist in the peace process with a public information campaign, provide reconciliation and peacebuilding programs, promote the rule of law, carry out human rights promotion and civilian protection, and work with the African Union to accomplish the aforementioned goals. In July of 2005, it seemed as though the path to peace was succeeding. The SLA, the JEM, and the GoS had adopted a Declaration of Principles in Abuja that was intended to break the cycle of violence in Darfur. Then, in August of 2005, John Garang, the leader of the SPLM and vice president of the transitional government, was killed in an unexpected plane crash. As outcry and violence ensued, all parties of the

conflict called for calm and respect. Though slightly behind schedule, the mission carried on.

The Darfur Peace Agreement

The African Union's efforts came to a point in Abuja in May 2006 when several of the parties of the conflict in Darfur came to agreement and signed the Darfur Peace Agreement. The SLA leader, Wahid al-Nur and JEM leader, Khalil both refused to sign the agreement. The Secretary-General recommended sanctions against the leadership to coerce them to join. Fortunately, alternate prominent leaders of the two movements signed the Agreement on June 8th. Like the CPA, this agreement focused on power-sharing, wealth-sharing, and security. In terms of power, the agreement created new governing structures in Darfur. There would be a Presidency and a Regional Authority with six subsidiary bodies of which the SLA and JEM would have equal representation within. The subsidiary bodies would be responsible for rehabilitation and resettlement, reconstruction and development, land rights, security arrangements, peace and reconciliation, and compensation for victims of the conflict. In terms of wealth-sharing, the government was to allocate a total of seven hundred dollars over the follow three years, and commissions were to be constructed to disperse the victims' compensation, raise and distribute money for reconstruction, and establish a fiscal monitoring commission to ensure fair dispersion of revenue from resources. Lastly, in terms of security, the central government of Sudan was to integrate former combatants from the rebel movements into the Sudanese Armed Forces, establish measures to protect internally displaced peoples, and neutralize the Janjaweed by confining them to their camps and completely disarming them. Following the signing, several attacks broke out in protest of the agreement, killing civilians and humanitarians alike.

Expansion of UNMIS and Establishment of UNAMID

In response to what the Secretary-General described as ethnic, economic, and political conflict in Darfur exacerbated by competition over scarce resources and the resulting violence, the Secretary-General recommended the expansion of UNMIS into Darfur. The Mission would focus on the protection of civilians and the execution of the Darfur Peace Agreement. The proposed mandate also demanded peacekeepers "take all action necessary to protect civilians under imminent threat, within the capability of the United Nations presence, and to deter, including

pre-emptively, potential spoilers through robust action" (Annan, 2006, p. 13). Kofi Annan, then-Secretary-General, believed that the peace in southern Sudan would only last if peace were established in Darfur. The Security Council adopted Resolution 1706 (2006) on August 31, 2006, commending the recent peace efforts and their accomplishments and condemning acts of gender-based violence, human rights violations, and violence against IDPs, humanitarian aid workers, and vulnerable populations. The Council had decided that the situation in Sudan threatened international peace and security and requested a rapid deployment of resources to Darfur to strengthen the mission up to 17,300 military personnel and 3,300 civilian personnel, conditional upon consent of the GoS (Security Council Resolution 1706 (2006)). The Resolution mandated the mission to monitor ceasefires, observe movement of armed groups, contribute to the promotion of human rights, and use "all necessary means to protect civilians under threat of physical violence."

The GoS refused to allow a peacekeeping operation under the sole direction of the United Nations to operate within Darfur. In search of an alternative, the United Nations and the African Mission in Sudan (AMIS) worked to create a "phased strengthening" of AMIS before pressuring the GoS into allowing a joint mission between the United Nations and the AU. On July 31, 2007, the Security Council established a hybrid mission of 26,000 troops, called the United Nations-African Union Hybrid Operation in Darfur (UNAMID). The Resolution reaffirmed previously negotiated terms, such as the condition that the operation would be predominantly African in character and that the troops were to be sourced from African countries to the greatest extent possible.

In the meantime, violence grew in the region of Abyei, an oil rich region on the north-south border. The Abyei Protocol had been agreed to as part of the CPA, allowing the region to have self-determination over whether it was to be ruled by the North or the South. The SPLA favored the idea of Abyei dissolving into the South, so much so that it withdrew from the Government of National Unity over the cause in October 2007. Violence peaked in the spring and resulted in the deaths of dozens and the displacement of 50,000 civilians (BBC, 2008). Following the clashes, Omar al-Bashir and the President of the autonomous Government of Southern Sudan, Salva Kiir Mayardit, agreed to take the dispute to the Permanent Court of Arbitration at the Hague. In July 2009, the Court ruled that the residents would be able to vote in a referendum still, however, the smaller, redrawn borders would give the most oil-rich fields to the north while providing one to the south. The border

was never marked, and no agreement arose over who was to be considered a resident. For that reason, the referendum was postponed, and conflict ensued.

Referendum and Closure

The conflict continued, and the countdown towards the Machakos Protocol's referendum progressed. The referendum to determine the status of southern Sudan was held in January 2011 with the technical and logistical assistance of the UN peacekeeping mission. On February 7, 2011, the Southern Sudan Referendum Commission provided President al-Bashir and Vice President Salva Kiir with the results of the vote: a 98.83% vote in support of independence. Unsurprisingly, youth activists and opposition leaders, such as al-Mahdi and al-Turabi, protested the decision, and al-Bashir sent security forces to reduce participation with little violence.

Celebrating South Sudanese independence
(Brookings, Institution 2013)

The referendum solved the largest issue of the conflict, independence; however, many issues relating to the CPA had not been solved. The Secretary-General, Ban Ki-Moon raised the settlement of Abyei, the future of Southern Kordofan and Blue Nile States, and the issue of former SPLA troops in those two states as major points of contention in the new context, predicting drastic implications to security and stability in the region if left unaddressed (Special Report of the Secretary-General on the Sudan, 2011). He expressed concern over the situation in Abyei. Even if an agreement on land rights and access to resources were to be reached, the implementation would require external support on both sides of the border. On June 27, 2011, the Security Council responded to the situation by establishing the United Nations Interim Security Force for Abyei. The Force was to remain for six months to monitor and verify the demilitarization of the Abyei area, participate in negotiations, deliver humanitarian assistance, protect oil infrastructure, and train a local security force on the matter (Security Council Resolution 1990, 2011, p. 2-3). The future of

Kordofan and Blue Nile States had been in the air since the December 2009 when the NCP and SPLM agreed that there would be no separation referendum nor discussion of one-sided concerns, but rather concerns of the State at large. Their agreement detailed public hearings, meetings, negotiations, and arbitrations to solve the conflict–all of which would benefit from external support. In terms of the integration of the SPLA and Sudanese Armed Forces, Ki-Moon expressed concern over the integration of the 40,000 SPLA combatants in Southern Kordofan and Blue Nile State out of the belief that these forces have been a "key source of military tensions in Sudan" (Special Report of the Secretary-General on the Sudan, 2011, p. 4). Moreover, upon integration, these forces needed confirmation that their grievances with the Khartoum government would be addressed. Ki-Moon, recognizing the need for a smooth transition, urged the Security Council to extend UNMIS three months longer so that the parties could reach post-referendum agreements and the UN could slowly withdraw. On May 31, 2011, the Secretary-General sent a letter from Khartoum to the Security Council announcing the Government of Sudan's decision to "terminate the presence of UNMIS" as of 9 July 2011, forcibly closing the mission (UN Security Council, Letter dated 31 May 2011 from the Secretary-General addressed to the President of the Security Council).

To become a successful and secure state, the new government of South Sudan would need to address domestic and border security concerns, the demobilization of the SPLA and establishing a police service, and accountability concerns, all in addition to the leftover concerns of the CPA. With the encouragement of the new government, Secretary-General Ki-Moon recommended a United Nations Mission in South Sudan with a "comprehensive, results-based approach to peace consolidation that is focused from the outset on building national capacities" to support political processes, ratify into law key human rights treaties and conventions, demilitarize and reintegrate fighters, and protect civilians under the threat of danger (Special Report of the Secretary-General on the Sudan, 2011, p. 8-10). A key purpose of the mission would be to provide security for UN personnel, deter violence, and ensure human security. On July 9, 2011, the Security Council established the United Nations Mission in the Republic of South Sudan to last one year with the possibility of extension (Security Council Resolution 1996, 2011).

The long and seemingly endless conflict had finally concluded, at least for the time being. The southern peoples had regained their autonomy. Any future conflict would be intra-state, between political groups, and regarding the leftover concerns of the

CPA. Today, 12,500 troops and 1300 police are working to protect civilians, monitor human rights, and support the delivery of humanitarian assistance, while simultaneously fighting growing anti-UN sentiment and allegations of a negative role in the crisis. It seems the path forward, as South Sudan's permanent representative to the United Nations says, is one of "cooperation as opposed to confrontation" (UNMIS About: Mandate).

The Pivot from Conflict to Justice

Strings Untied: The Failures of the Comprehensive Peace Agreement

Though the conflict in Sudan had seemingly come to an end following the secession and establishment of a new and independent state of South Sudan, the conflict still has ramifications today. This is a consequence of the multi-faceted dynamics of the Second Sudanese Civil War. The civil war, comprising of conflict in border states, Darfur, and within the southern region had several pivotal moments. Each region, in its pivotal moment, transferred from a time of conflict to one of transitional justice. Transitional justice, the "set of practices and mechanisms aimed at dealing with past violations of human rights and humanitarian law," is crucial to healing and establishing a basis for peace (United Nations Development Programme, 2014, p. 2). At the time of South Sudan's secession, the largest attempt at transitional justice, the Comprehensive Peace Agreement (CPA), had not been fully realized and had left many strings untied. As a result, two conflicts ensued: a conflict over borders and a conflict rooted in the misery and pain felt in the several-decade long conflict. The border conflicts in Abyei, South Kordofan, and the Blue Nile States were consequences of the CPA's stipulations that guaranteed the regions a special status in a post-conflict state, namely because of their ties to the South. However, these stipulations were never given the light of day. With nationalism and historical grievances fostering a movement, violence broke out between the Sudanese Armed Forces (SAF), local factions, and eventually an offshoot of the Sudan People's Liberation Army (SPLA). By April 19, 2012, the fight over resources and land had rehashed to a declaration of war by the North against the South. Simultaneously, the Republic of Sudan faced troubling instability as the National Islamic Front (NIF), the party that drove al-Bashir to power, fractioned, and the population was craving new blood in power (El-Sadany & Ottaway, 2012). Small

protests erupted throughout 2011 when food prices skyrocketed, water access was dramatically reduced, and youth rallied together in revolt. The country was ready to solve the conflict, bring about justice, and create a peaceful nation in unity. Al-Bashir and his followers, however, were not ready to address and take responsibility for the pain and harm they had caused – let alone apologize for it.

Al-Bashir Diverges from Justice and Reunification

Attempting to grapple with the revolution slowly boiling in the weaves of the nation, al-Bashir spent 2011-2019 cracking down on those seemingly opposing him and his government while refusing to produce the transitional justice mechanisms needed to revitalize the nation post-conflict. Using sticks and hoses, tear gas, and un-provoked arrests, he sent paramilitary forces to disperse protests across the nation (Human Rights Watch, 2018). He arbitrarily detained and tortured activists, journalists, and opposition party members for months on end, subjecting them to electric shocks, solitary confinement, beatings, threats of rape, and even death (Human Rights Watch, 2018) Fearing loss of power, he halted media printing, confiscated technological devices, and established journalistic "red lines". Quickly forgetting the roots of the North-South Conflict, he re-imposed Shariah law on non-Muslims on February 11, 2018, charging those who converted to Christianity or Shiah Islam with apostasy (Human Rights Watch, 2018). Though al-Bashir was refusing to address the conflict and worsening suffering, religious organizations, international institutions, and eventually a new government in Sudan were ready to address the pain caused by the government by establishing mechanisms of transitional justice.

Other forms of transitional justice and reconciliation were used, though for purposes of depth and clarity, this paper will only address four transitional justice mechanisms implemented between 1999 and 2019 with one example from each perspective: southern Sudan, Darfur, the international community, and the national government.

South to south Reconciliation: the Wunlit peace process

People-to-People: the Dinka and Nuer

The first attempt at reconciliation to be discussed occurred at the hands of a faith-based organization from February 27th to March 8th, 1999 at the West Bank Nuer/Dinka People-to-People Peace and

Reconciliation Conference. The conference, held in Wunlit, Bahr el Ghazal, was led by the New Sudan Council of Churches (NSCC), an organization focused on humanitarian and advocacy work in Sudan, to establish peace between the Nuer and the Dinka ethnic groups. Simultaneously, the Sudanese government was continuing attempts to further fractionize southern ethnic groups. Though the Nuer and Dinka had faced near constant warfare since 1991, leaders of both groups had yet sought reconciliation. However, the need for a path towards peace exceedingly increased as casualties, abductions, stolen livestock, destroyed homes, mass displacement, and poverty were skyrocketing with no end in sight.

The Wunlit Conference prioritized the Dinka and Nuer located in the Nile West Bank, as the complexities of the groups in the East Bank of the Nile were expected to become easier to address following reconciliation in the West. For the conference to prove successful, leaders of both groups needed to be committed to resolving differences and moving forward. The NSCC began the process by sending a delegation of church peacebuilding practitioners and foreign observers to Lokichokko, Kenya from June 3rd to 11th, 1998. There, the group signed the Loki Accord, publicly proclaiming that the joint committee of chiefs and church leaders demand that both groups refrain from hostile acts and that local agreements be respected and honored. It also called for a stop to cattle raiding, to all killing and abduction of women and children and to return them to their homes (Loki Accord, 1998). Lastly, the committee called for a stop to burning homes and to permit free movement between Nuer and Dinka areas (Loki Accord, 1998).

The group decided that Wunlit, as a Dinka territory located near the disputed Nuer/Dinka West Bank border would be the best location because it was close enough to the conflict, yet far enough away for a clear perspective. There, a South Sudanese NGO called the al Ghazal Youth and Development Association organized the event and built a village specifically intended to house the 1200-1500 people in attendance, and the Deputy Chairman of the SPLM/A Salva Kiir offered soldiers, equipment, and security for the conference (Milner, 2018). At the conference, the Gogrial, Rubmek, Tonj, Twic, and Yirol Dinka counties and the Leek, Jikany, Jagei, Dok, Nyuong, and Bul Nuer counties were represented. As the conference began, the Nuer presented a Dinka prisoner to be set free as an expression of readiness for a path forward.

Building Confidence: A Prerequisite

For a reconciliation project of this magnitude, it was critical for confidence to be incorporated into the

foundations of the conference. Following the meeting in Lokichokko, the NSCC organized and funded flight to transport chiefs of both groups to visit each other's territory. Welcomed into the territories with ritual slaughtering of bulls and washing of feet, the chiefs exchanged pledges of peace and security.
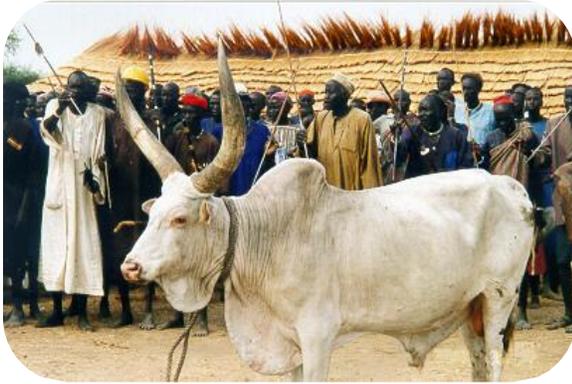
Sacrificial "Mabior" ox at the Conference (Lowrey, 1999)

The growing confidence allowed for a healthy launch of a new attempt at peace, this time focusing on people-to-people healing. The conference began with Dinka and Nuer spiritual leaders circling around a white ox, called a Mabior, chanting in unity for the death of the ox to "take away all the bad blood" between the Nuer and Dinka (Human Rights Watch, 2003). In the traditional manner, the ox was wrestled to the ground and had its throat slit. Inspiring local ownership of the peace process to come, the ox was referenced as a key unifying symbol throughout the conference.

Conference Proceedings

The first step of the conference involved truth-telling, encouraging every representative of the groups sharing their grievances against the other. Each county had one and a half hours for its three representatives to speak, and no person, under conference rules, could interrupt the speaker (Human Rights Watch, 2003). After using the grievances to identify the largest problems, the conference was split into groups to address the harm that had been done. Groups ranged from addressing cattle raiding, resettlement of more than 100 villages' members, and abducted women and children. The group which focused on resettlement decided that the 100 villages were to be repopulated and rebuilt, and that which focused on abducted children and women developed procedures for returning abductees (Human Rights Watch, 2003). Other agreements were made regarding cattle, land, and trade. Resolutions including the conditions agreed upon by these groups were then passed at the

conference and signed by participants, including female participants. The conference, intended to work from the bottom-up, utilized civilians to promote action and transitional justice while avoiding political and military options.

The Evolution Post-Conference

Following the conference, trade rapidly increased and cattle grazing resumed. Soon, a reported five to six-thousand Dinka traders had crossed into Nuer territory to sell goods and cattle (Milner, 2018). Additionally, people began to return to abandoned villages, and pastures were declared joint lands, allowing Nuer and Dinka cattle to graze together. In 1999, the NSCC organized two more conferences designed to bring donors on for support, though little support arose. However, these conferences did result in the creation of the Dinka-Nuer Peace Council in September 1999 to monitor and oversee implementations of the previously adopted resolutions, the deliverance of joint schools, courts, and police to address grievances and to address potential points of failure within the peace process. As a result of the Wunlit Conference and the peace process that followed, intercommunity violence was significantly reduced, members of one group could walk through another's territory, and abducted women, children, and cattle were returned. Equally as important, the traditional leaders of the Dinka and Nuer gained moral and political authority which was paramount to future peace processes and accords.

Darfur to Darfur Reconciliation: the Darfur Peace Agreement

African Union Leads a Regional Effort

Transitional justice and reparations for harm were not solely attempted in the south. The African Union (AU), beginning in 2004, had been in the process of peace talks with the GoS and rebel groups for two years before the deadline for talks in Abuja, Nigeria hit to address reparations and justice in Sudan. A deadline had been set out of previous frustration with the lack of movement in the process, and the AU had expressed that this was its last try at a settlement. At that time, the GoS offered to sign the Darfur Peace Agreement (DPA) in May 2006, yet only one of three rebel groups (the breakaway faction of the Sudanese Liberation Army (SLA) led by Minni Minawi) was willing to sign. The Justice and Equality Movement (JEM) and the SLA/AW led by Abdel Wahid

Mohamed Nur were unwilling to sign; such refusal and lack of participation has come to be the recognized fatal flaw of the agreement. The document outlined three separate ways of pivoting from conflict to justice and peace: power-sharing, wealth-sharing, and security arrangements.

DPA: Power-Sharing

The strategy of power-sharing was to create a new government structure specifically for Darfur called the Transitional Darfur Regional Authority (TDRA) led by a Presidency with six subsidiary bodies, all intended to implement the Darfur Peace Agreement. This structure was to be headed by a Chairperson who was to also serve as assistant to the President. To effectively share power, the rebel movements were to pick the Senior Assistant to the President, and the three Governors were to be composed of one representative from the Movements and two from the Congress party. The other eight members of the TDRA are nominated by the Movements to lead the post-conflict reconstruction committees: the Darfur Rehabilitation and Resettlement Commission (DRRC), the Darfur Reconstruction and Development Fund (DRDF), the Darfur Land Commission (DLC), the Darfur Security Arrangements and Implementation Commission (DSAIC), the Darfur Peace and Reconciliation Council (DPRC), and the Darfur Compensation Fund (DCF). Duties of the commissions ranged from the DSAIC's duty to disarm the Janjaweed and downsize the Popular Defense Forces and the DRDF's duty to provide reconstruction funds for homes and villages. In support, the GoS had agreed to fund the DRDF approximately $300 million the first year of the agreement, and $200 million for each year of the following two years (Justice Africa, 2006). The DPRC had its own mission: the creation of a Preparatory Committee for the Darfur-Darfur Dialogue and Consultation (DDDC), a grassroot reconciliation process intended for truth-telling and forgiveness in the five states of Darfur that finally realized in December 2017 as a result of further frameworks in the Doha Document for Peace in Darfur (DDPD) (Justice Africa), 2006). However, the DDPD failed to address crimes and human rights violations predating 2003.

DPA: Wealth-Sharing

The strategy of wealth-sharing was to include a variety of mechanisms, but most important to transitional justice was the creation of a Compensation Commission. The Darfur Peace Agreement states explicitly that "war-affected persons in Darfur have an inalienable right to their grievances addressed in a comprehensive manner and to receive compensation" (Darfur Peace Agreement, p. 38). It provides authority to the commission to apportion liability to an individual or group and force them to make restitution and pay compensation to the victims. Such compensation, according to the agreement, may include restitution of stolen, lost, or destroyed objects, provision of inputs for crops and livestock, physical and psychological rehabilitation, guarantees of non-repetition, and acknowledgement and acceptance of responsibility (Darfur Peace Agreement, p. 40). The GoS was in favor of such a commission, indicating that it would provide $30 million in immediate contribution to the fund (DPA, p. 40).

DPA: Security Arrangements

The last strategy outlined in the DPA is that of security arrangements specifically regarding reintegration of former combatants. The GoS was to ensure that all former soldiers who wished to return to typical civilian life were properly supported through social and economic reintegration programs. Equally as important, the government was to allow the United Nations International Children's Emergency Fund (UNICEF) and other child-focused organizations support and assist in the identification and removal of child soldiers to reunify them with their families. Lastly, the GoS was to develop special programs for the needs of widows of combatants. These are particularly important in social reconciliation, working to prevent the cycle of conflict and lead to a cohesive society.

Fatal Flaws of the Darfur Peace Agreement

Collectively, the DPA is seen as a failed effort of transitional justice. Fatal flaws of the agreement include lack of support, minute civil participation, and a shortage of resources. The agreement was bound to fail, given that transitional justice is intended to serve as a transition from peace to conflict, and at the time, conflict was well in motion across Darfur. For this exact reason, organizations like the JEM and SLA/AW refused to join in on the agreement. There was still a fight to be fought, and unless the government was to fully meet their demands, they were not going to sign on. On that same line of thinking, justice and reconciliation cannot occur if the entire population impacted, in this case the Darfuris and its rebel movements, are not on board. Had there been greater civil participation, such as the implementation of the Darfur-Darfur Dialogue and Consultation before the

development of the agreement, there may have been greater success. Lastly, the lack of support for the African Union Mission in Sudan (AMIS) meant that any form of monitoring and observation of the agreement was going to be slow, ineffective, and low in capacity (International Crisis Group: Africa, 2006). The failure of the DPA in its attempts of social reconciliation and truth telling left the international community searching for steps towards justice and retribution.

International Attempts at Justice

Referral and Investigation

Just before the signing of the Darfur Peace Agreement, the United Nations Security Council, in Resolution 1593 (2005), referred the situation in Darfur dating back to July 1, 2002 to the Prosecutor of the International Criminal Court (ICC). In the same document, the Security Council recognized the need for transitional justice post-conflict, emphasizing the, "need to promote healing and reconciliation and encourage[d] in this respect the creation of institutions, involving all sectors of Sudanese society, such as the truth and/or reconciliation commissions, in order to complete judicial processes and thereby reinforce the efforts to restore long-lasting peace" (Security Council Resolution 1593, 2005). Amassing 11 votes in favor of the resolution and none against, the Resolution passed. Soon after, the United Nations International Commission of Inquiry on Darfur compiled a list of suspects and sent them to the ICC. Thereupon, the prosecutor interviewed over 50 independent experts and consequently opened an investigation on June 6, 2005 into Rome Statute crimes committed in Darfur since July 1, 2002.

The ICC's investigation produced a multitude of cases, naming suspects from all parts of society including the Sudanese Government officials, militia and Janjaweed leaders, and leaders of the Resistance Front. These suspects were charged with genocide, war crimes, and crimes against humanity. As of November 2019, there were five cases in the ICC, six warrants of arrest, and five suspects at large.

Warrant for Al-Bashir: War Crimes, Crimes against Humanity, and Genocide

The most famous of these cases in that of Omar al-Bashir. In its issuance of a warrant, the Pre-Trial Chamber I, the summoning body of the ICC, argued that there was reason to believe that a protracted armed conflict "not of international character" existed between the Government of Sudan (GoS) and a variety of organized armed groups including the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM). The Chamber agreed that al-Bashir and other high ranking Sudanese political and military leaders of the GoS had constructed a plan to execute a counter-insurgency campaign against the SLM/A and JEM, and at the center of this campaign was a series of unlawful attacks by GoS forces aimed at part of the civilian population in Darfur, largely including the Fur, Masalit, and Zaghawa groups (ICC, 2017). The Chamber declared that during this campaign, GoS forces had carried out numerous unlawful attacks followed by systematic acts of pillage on towns and villages mainly inhabited by civilians belonging to these specific ethnic groups (ICC, 2017). It claimed that the forces had subjected thousands of people belonging to these groups to acts of murder, extermination, rape, forcible transfer, and acts of torture (Prosecutor vs. Omar Hassan Ahmad Al Bashir). Lastly, the forces were charged for contaminating the wells and water pumps of the towns of villages primarily inhabited by members of these groups and encouraging members of other tribes to resettle in their villages and land" (Prosecutor vs. Omar Hassan Ahmad Al Bashir).

Pre-Trial Chamber II in the Hague
(ICC, 2017)

As the President of the State of Sudan and Commander-in-Chief of the Sudanese Armed Forces at the time of the alleged crimes, Omar al-Bashir played a key role in coordinating and implementing the counter-insurgency plans and directing the "apparatus" of the State, including the forces used to commit the crimes (ICC: Alleged Crimes). For this reason, the Pre-Trial Chamber I determined that there were "reasonable grounds" to believe al-Bashir acted with the intent to destroy, in part, the Fur, Masalit, and Zaghawa ethnic groups–in other words, to commit genocide (ICC: Alleged Crimes). On July 14, 2008, the Prosecutor applied for the issuance of a warrant for

al-Bashir, and on March 4, 2009, Pre-Trial Chamber I issued a warrant for his arrest for charges of war crimes and crimes against humanity (Case Information Sheet, 2018). The Prosecutor, however, was in favor of also charging him with genocide and so appealed for Pre-Trial Chamber I to include the charge of genocide (ICC Case Information Sheet, 2018). The appeal was granted by the Appeals Chamber, and three counts of genocide were added to his charges (ICC Case Information Sheet, 2018). In total, he is charged with five counts of crimes against humanity, two counts of war crimes, and three counts of genocide. Waiting for al-Bashir at his trial will be twelve people who have been granted the status of victim and a panel of three judges.

Flaws of the International Criminal Court

The major flaw of this case, as with any case in the ICC, is that to be successful, it requires all states to cooperate fully with the Court and arrest the perpetrator. However, those who are not signatories of the Rome Statute, the agreement that led to the formation of the ICC, are not obliged to do so. In fact, articles 1 and 17 of the Rome Statute enable States to maintain jurisdiction over crimes committed within their territories and by their citizens. Moreover, signatories of the Rome Statute are not obliged to produce the perpetrator to the ICC if they are willing or able to conduct the investigation and prosecutions themselves. In the case of al-Bashir, where Sudan is not a signatory of the Rome Statute, al-Bashir was transferred to Kober prison in Khartoum rather than sent off to the ICC (Alsaafin, 2019). The new government of Sudan, established after al-Bashir's ousting, believes in the institutions of the newly established government and wishes to hold Al-Bashir accountable in his own country. Equally as detrimental to the justice process is that ,as Al-Bashir continues to travel around the region and states, these states (all of which are signatories to the Rome Statute) continually fail to arrest him. These countries include Chad, Kenya, Djibouti, Malawi, Democratic Republic of Congo, Uganda, and Jordan. Until Al-Bashir is arrested and appears in trial, the International Criminal Court is unable to proceed, leaving retributive justice to be served only by mechanisms within Sudan.

National Mechanisms for Justice

Rather than submitting their sovereignty to the ICC, the new Sudanese government, led by Lieutenant-General Abdel Fattah Abdelrahman

Burhan, has held strong on the belief that Al-Bashir should be charged in Sudanese courts. On August 4, 2019, the media announced that the Transitional Military Council, the group that had overthrown Al-Bashir, and an opposition movement called the Coalition of Forces for Freedom and Change (FFC) would sign the 2019 Interim Constitutional Declaration, providing the governing council with the authority to rule for a three-year transitional period before appointing a new prime minister and cabinet. Transitional justice played a leading role in the document, calling for the repeal of discrimination laws, the return of confiscated property and displaced people, and the right to participate in elections. It also set a framework for commissions for peace, human rights, transitional justice, women and gender equality, and borders. Included in the document was the imposition of "transitional justice and accountability measures for crimes against humanity and war crimes, requiring the presentation of the accused to national or international courts, in application of the no impunity principle" (Reeves, 2019). Though facing trial for charges of corruption, money-laundering, and illicit possession of foreign currently, Al-Bashir has yet to be charged with his larger crimes, like war crimes, crimes against humanity, and genocide. These trials have not been completed, and if they were to be, they are expected to be biased and skewed towards Bashir.

Al-Bashir on trial (CNN, 2019)

As of September 2018, al-Bashir had promoted hundreds of judges to senior judiciary positions and the high court, raising the number of judges appointed to the Supreme from 300 to 500 (Alsaafin, 2019). According to Sudanese researcher and conflict analyst Quscondy Abdulshafi, the majority of these judges were loyal party affiliates, making the "question of the court's independence… strong" (Alsaafin, 2019).

A Review of Transitional Justice

Transitional justice in Sudan has had limited success with little to no retributive justice having taken

place and only small-scale person to person reconciliation programs effectively bringing people together. Unfortunately, on the large scale, peace and reconciliation is unlikely because conflict has continued to progress across the country. As military groups erupt across both Sudan and South Sudan, transitional justice is unable to be fully executed. Full execution requires the full cessation of conflict so that the harm and suffering may be addressed. It also requires participation from all sides of the conflict, including the victims, perpetrators, and the community. In the case of Sudan, the perpetrator, namely al-Bashir and his government, still hold some level of power. By previously filling the courts, al-Bashir rid the courts of Sudan the chance of holding him accountable. Since the conflict's perpetrators were often victims as well, true justice in Sudan requires participation and willingness from each of these groups as both victims, expressing their pain, and as perpetrators, accepting responsibility for their actions. However, this has yet to become a reality as the conflict ensues, and the very same groups originally in conflict continue to harm each other and innocent civilians. Alternatively, the reconciliation programs that have succeeded, even in small scale, have been incredibly effective in promoting community engagement and ensuring local ownership over the mechanisms. By doing so, they have addressed the root problems of the community at a grass-roots scale. The hope is that, if continued, these small level-peacebuilding attempts gain strength and the lessons learned spread across the nation. Unfortunately, they, too, require individuals to accept responsibility and share stories publicly, which in a time of conflict, can prove quite difficult. To build long lasting peace for the future, Sudan must find a way to bring the conflict to an end, engaging every and all parties in a way that promotes accepting responsibility and addressing harm done.

Peacebuilding in Sudan

To bring about lasting peace in Sudan, the Sudanese government, the international community, and NGOs have begun to build a framework for peace –a process also known as peacebuilding. The United Nations Development Programme defines peacebuilding as "a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management and laying the foundations for sustainable peace and development" (UNDP, 2013). The definition goes on to say that peacebuilding strategies "must be coherent and tailored to the specific needs of the country concerned, based on

national ownership, and should comprise a carefully prioritized, sequenced, and therefore relatively narrow set of activities aimed at achieving the above objectives" (UNDP, 2013). This section of the study will speak specifically to the international, national, and local peacebuilding efforts that have worked to address both structural, technical needs and promote deep, social change.

Top-Down Approach by the UNHCR: The Return of Refugees and IDPs

The safe and healthy return of refugees and internally displaced persons (IDPs) is one of the largest structural and technical factors in reducing the chance of a nation relapsing into conflict. This return is critical to international security, re-stabilizing host nations, and vital to mending the basic fabric of society. As individuals return, they must feel safe, protected, and part of society. Following the signing of the CPA in 2005, the Sudan Relief and Rehabilitation Commission (SRRC), the humanitarian wing of the SPLM, had estimated over 500,000 refugees and IDPs would return to southern Sudan, namely from Uganda, Kenya, Ethiopia, the Democratic Republic of the Congo, the Central African Republic, and Egypt (UNHCR Revised Supplementary Appeal, 2005). Simultaneously, the United Nations country team had estimated an additional 320,000 displacements in the South, with thousands arriving in Uganda and Kenya (UNHCR Revised Supplementary Appeal, 2005). The surmounting numbers of displaced persons and returnees prompted a quick response from the UNHCR as the agency initiated a "2-year post-conflict phase" intended to meet basic needs, build confidence, and resolve conflict amongst returning populations (UNHCR Revised Supplementary Appeal, 2005, p. 5). In April 2005, the UN agreed on a "Policy Framework for Return and Reintegration", sparking a top-down, mass-scale peacebuilding approach. This framework affirmed the strategy and policies of the Humanitarian Aid Commission (HAC), the humanitarian branch of the GoS, and the SPLM's SRRC. To set the policy framework in motion, the UN established the Core Group for Return and Reintegration which then created standards and guidelines to be incorporated into the June 2005 UN Work Plan–a plan outlining strategies, objectives, and tactics for the year.

Referring to the principles listed in the Protocol on Power Sharing outlined in the CPA, the framework emphasized the "4Rs": repatriation, reintegration, rehabilitation, and reconstruction

(UNHCR Revised Supplementary Appeal, 2005, p. 6). With that in mind, the objectives of the 2005-2006 return and reintegration program included building logistical capacity and assisting voluntary repatriation, supporting returnee communities via protection activities and local reintegration projects, and coordinating the return of refugees and IDPs in greater Equatoria and Blue Nile states. More specifically, the frameworks strategic interventions were to prevent or mitigate the negative effects of relocation of IDPs in Khartoum which could generate "coerced movement", ensure that IDPs receive the same living standards as their host populations, guarantee that IDPs have access to existing support services, and that displaced persons can make informed decisions as to whether to return based on legal advice, counseling, or other forms of information (UNHCR Revised Supplementary Appeal, 2005).

Logistical Capacity and Facilitating Voluntary Repatriation

In terms of scaling logistical capacity, the UNHCR was to establish logistical warehouses in South Sudan and procure vehicles, non-food items, and amphibious forms of transportation. Repairing roads and bridges that were otherwise faulty and unusable was also crucial to building logistical capacity. By the end of 2005, the UNHCR had set up a logistical hub, procured 36 cargo trucks and over 100 vehicles, and purchased telecommunication and office equipment for use in countries of asylum (UNHCR Supplementary Appeal, 2006).

A convoy returning Sudanese refugees from Chad
(UNHCR, 2018)

Using the newly constructed infrastructure, the UNHCR launched "Go and See" visits in hopes of increasing voluntary repatriation. The delegations were typically composed of respected elders, so that upon return, their word could be trusted. In each visit, refugees met with local authorities, were given a tour around the town, and were often reunited with long-lost relatives (Pagonis, 2005). At the end of the day,

the refugees were taken back to their host location, ideally spreading the word of what they had seen (Pagonis, 2005). "Come and Tell" visits were also used to allow refugees to share concerns about conditions upon return, such security, disarmament, the provision of social services, and basic infrastructure (Fielden & Ongaro, 2008). Typically, UNHCR or southern Sudanese officials visited refugee and IDP camps and met with hundreds of individuals to calm fears and encourage return. To strive for long-term success in voluntary repatriation, the agency established a registration database to track and monitor the returnees. Primarily implemented through partner organizations, this monitoring assessed safety, feelings of social cohesion, mobility, and standard of living to help interventions adapt to pressing needs.

Creating Conditions Conducive to Return

Creating social cohesion post-conflict, specifically regarding the reintegration of refugees and IDPs, requires intensive support, training, and programming to create the conditions conducive to return. To do so, the UNHCR aimed to build capacity of local institutions by training judiciary, police, and enumerator officials, monitoring returns, and developing community-based reintegration projects (CBRPs). According to later UN reports, the CBRPs were the most successful aspect of the initial reintegration process in Sudan. CBRPs focused on reconstructing the basic needs of communities, including schools, medical facilities, community waterholes, and sanitation facilities. As of 2008, 230 CBRPs had been completed in South Sudan and the greater Equatoria region, nearly all of which in partnership with an NGO or other agency. In West Darfur, for example, the humanitarian organization INTERSOS partnered with the UNHCR to complete CBRPs in 23 villages (INTERSOS, 2006). Eligibility for CBRPs depended on a variety of factors including, but not limited to, the village being one of origin and of potential return, sustainability and genuineness of returns, minimum infrastructure still standing and the ability to improve upon it, and the number of residents living in the targeted village (INTERSOS, 2006). Throughout the intervention, the organizational partners mobilized communities to identify and help restore weakened infrastructure, form parent-teacher associations, women's centers, and develop informal education training programs. Beneficiaries of the project reported that the intervention drastically improved the security conditions in the villages, attributing the improvement to the presence of the organizational staff and the need for diverse groups to work together to support the initiatives. According to

locals, the presence of staff heavily discouraged crime such as attacks and robberies. Simultaneously, locals shared that working hand in hand with previously considered enemy groups initiated dialogue and promoted social cohesion.

Developing and Implementing a Protection-Based Framework for Return and Reintegration

Central to the UNHCR's top-down approach to peacebuilding, the UNCHR developed a comprehensive protection-based framework for return and reintegration, in which the UNHCR chaired the Protection Working Group, a cluster of agencies working to guarantee individual protection in the country, in hopes that greater feelings of individual security will prevent a relapse into conflict. With aims to ensure the legal, physical, and material security of returnees, fair land rights, and promotion of confidence building, the UNHCR executed a variety of programs and research. Such programs included workshops on land and property rights and dispute resolution, the development of legal aid clinics and mobile courts, and local peace education and community dialogues (UNHCR Revised Supplementary Appeal, 2005).

Peacebuilding in Countries of Asylum

Unique to peacebuilding by virtue of refugee reintegration, peacebuilding in countries of asylum is equally as important as that within the conflict zone. In the initial stages of returns in 2005, the UNHCR was operating activities in every country in which Sudanese refugees were residing. In some nations, such as the Central African Republic, such activities were as simple as the registration and profiling of refugees. However, in others, such as the Democratic Republic of the Congo (DRC), the agency was operating language programs intended to reintegrate French-speaking returnee children who had been raised in the DRC to English-speaking regions of Sudan. Additionally, vocational training courses were offered to adults to reduce the chance of social or economic hardship upon return. In Egypt, mass information campaigns were launched on behalf of the UNHCR, advocating against sexual and gender-based violence and promoting mine awareness–a serious threat in a post-conflict Sudan. Similar campaigns were highly visible in Ethiopia, as well. In Kenya, returning refugees received a "repatriation package" composed of both food and non-food items. For girls of child-bearing age, sanitary materials and soap were provided to promote sanitary habits and the feeling of safety upon return. Lastly, in Uganda, information campaigns advocated for co-existence and peaceful

communities and informed refugees of new infrastructural developments set to take place. Simultaneously, the UNHCR operated vocational training in carpentry, tailoring, computing, and blacksmith to stimulate the economy and prevent economic downturns on the individual level.

Impediments and Evaluation

At the time of the initial stage of reintegration, the conflict in Sudan was thought to have ended. However, history tells that this was not the case. Millions of mines and unexploded ordinances, the presence of the Lord Resistance Army and several militia groups, and the continual violations of human rights severely impeded the delivery of the peacebuilding operations daily. Mines, unexploded ordinances, and militia groups continue to restrict humanitarian access, the delivery of basic needs, and the transportation of returnees. Moreover, with continual looting, assault, and restricted movement, it has proven difficult to fully execute programs without fear, and it is this fear that has been so detrimental.

Bypassing the fear, the UNHCR's reintegration program's initial stage had quite the success in terms of the number of people assisted. In the two years, the agency had assisted over 130,000 refugees and begun its provision of basic services (Diagne, Duffield & Tennant, 2008, p. 43). However, in terms of the UNDP definition previously stated, the UNHCR, at least in its initial stages of the project, did not have immense success. Though the agency did lay various foundations for sustainable peace and development, such as education, vocational training, and the reconstruction of infrastructure, the project failed to create a full link between national authorities, civil society, and local structures. This is easily attributed to the context, in which the government of a newly established region had not earned the respect, nor gained the power, needed to effectively support the mission (Diagne, Duffield & Tennant, 2008). Moreover, the approach was in dire need of greater information from the populations involved. To avoid a "one size fits all" approach of returns, the UNHCR needed to collect far more data to be sure their projects would address all challenges of social integration at all levels (Diagne, Duffield & Tennant, 2008). Lastly, using the UNDP definition once more, this attempt at peacebuilding failed simply because it failed to prevent the relapse into conflict in the specific towns and villages it was working in. It is doubtful, however, that the violent turmoil that ensued is purely a result of a failed peacebuilding attempt, as other variables were surely at play. That said, the effectiveness of the peacebuilding attempt by the UNHCR to return and reintegrate refugees and IDPs was strong and key to

laying the foundations of sustainable peace, though it may not have been fully successful in preventing a relapse into conflict.

Bottom-up Approach by the Collaborative for Peace in Sudan

In another peacebuilding attempt, a local organization called the Collaborative for Peace in Sudan (CfPS) launched a conflict prevention project aiming to build capacity for early conflict prevention and resolution, conduct "rapid response" mediation, and develop an early warning and response system to the outbreak of violent conflict. Backed by the international peacebuilding NGO, Peace Direct, CfPS established eleven "Peace Committees" (PCs) in South and West Kordofan in 2011 and supported them until late 2016.

Throughout the conflict, minor disputes over water, farmland, and cattle carried massive implications, often breeding conflict that transcended beyond local communities. If committed by an outsider, the victim or their loved ones often sought revenge, only furthering the cycle of conflict. In more serious crimes, such as murder, "diyyah," or blood money, was often offered by the tribe of the offender (Peace Insight, 2010). However, the tribe of the victim often rejected it and instead wished to pursue revenge, once again continuing the cycle (Peace Insight, 2010). In both murder and minor disputes, the Peace Committees were to address short- and long-term drivers of conflict, ultimately stopping the cycle in its tracks.

Community leaders operating a Peace Committee
(Peace Direct, n.d.)

Peace Committee Composition

Peace Committees were composed of individuals seen as "accountable, transparent, trustworthy and credible actors" (Peace Direct, 2016). Members of the committee are locally elected villagers, including tribal leaders, community leaders, young adults and women. In fact, in some towns, such as Lagawa, female participation reached up to 45% of committee membership (Peace Direct, 2016). Additionally, membership of committees has continually grown as voluntary participation rises and requests from communities for Peace Committees to intervene also increases.

Process and Impact of Committees

In its five years of operation, CfPS-backed Peace Committees successfully intervened in 32 disputes in South and West Kordofan. Central to the success of the project, committees operated entirely independently of the CfPS. As a result, members of the committee were well apt to address local disputes. They had a strong, unique understanding of local dynamics, individual needs, and drivers of conflict specific to the area. In addition to their unique understanding, members of the committee gained peacebuilding and conflict resolution skills in workshops led by Peace Direct. Used to plant "seeds of peace" and build capacity to establish future conflict resolution programs and scale current ones, these workshops encouraged coexistence, the need for cooperation, and the skills needed to effectively resolve disputes.

CfPS led 32 successful Peace Committee interventions, preventing violent conflict

Upon the rise of a dispute, members of the Peace Committees met individually with the relevant parties and collectively to brainstorm solutions to the problem without the use of violence (Peace Direct, 2016). Being that there is not a "one size fits all" approach, and each solution requires some level of creativity, the brainstorming meetings with the parties were the most critical piece of the project. Together, the opposing parties came to an agreement, ideally preventing a violent outbreak while settling the dispute as best they could (Peace Direct, 2016). Even then, it was possible that resolutions would fail and that they would require repeated meetings and interventions. This is a result of the inability to simply engineer peace, but rather the need to craft responses beforehand and respond to

events and needs as they occur. In Muglad, for example, the Peace Committee addressed eleven conflicts–all of which were successfully resolved, though some of the interventions required multiple meetings. According to a Peace Direct evaluation of the project, three of these conflicts had killed 492 people before the intervention of the Committee (Peace Direct, 2016). Fortunately, no lives were lost following the intervention. Comparable results arose from interventions led by the Lagawa Peace Committee. Of the nine interventions by the Committee, none have relapsed into conflict (Peace Direct, 2016).

Additional impacts of the committees included greater social cohesion and cross-border relations. Due to the dependency of volunteerism in the project, social cohesion increased. The common desire for peace drove individuals to take part in the process. In taking part in resolving disputes, individuals found themselves gaining respect for others and developing a positive perception of community potential (Peace Direct, 2016). Cross-border relations grew out of the peace processes as well. As committees began to cooperate to address cross-border disputes, opportunities for bettering relations grew. In Sag el Na'am and Abyei, for example, cross-border markets were established, allowing trade and communal peacebuilding collaborations.

Challenges and Effectiveness

Though the use of Peace Committees was successful in preventing the cycle of conflict from continuing in many cases, it still faced a variety of challenges. Major challenges included a reliance on voluntary participation, lack of long-term plans, and difficulties addressing root causes. The reliance on voluntary participation was key to the unique social cohesion that arose out of the Peace Committees, however, because other NGOs doing similar work pay their participants, CfPS was often unable to compete. That said, CfPS-backed Peace Committees risked a full collapse of their program. With such a risk, it became difficult to establish long-term plans (Peace Direct, 2016). Without long-term plans, the committees seemed to lack longevity and stability. If truly "planting the seeds" for peace and hoping to create the "sustainable peace" mentioned in the UNDP definition of peacebuilding, the CfPS and Peace Direct needed to create a plan that allowed for greater growth across communities and ensured future scaling of the project. Lastly, the Peace Committees, though able to address disputes over resources of livelihood opportunities like water, farmland, and cattle, were not able to address the root causes of the conflict. For

example, they could not address land rights, availability of jobs, or poverty. Therefore, the Peace Committees were necessary but not sufficient in ending the cycle of conflict.

Collectively, the Peace Committees were incredibly effective in settling local disputes, halting the cycle of violence, and setting the foundations for future peace. By intervening in the over 30 disputes, these committees likely saved thousands of lives and set precedents of civil dispute resolution rather than turning to violence. As 2016 passed, it was clear that CfPS and Peace Direct had succeeded in transforming local villages and evolving the attitudes of community members to stop violent conflict in its tracks. Unfortunately, the project ended in 2016 due to lack of funds, but other donors, including the UNHCR and the UNDP, have since funded similar programs in Sudan.

A Review of Peacebuilding in Sudan

On a small scale, peacebuilding in Sudan has been quite successful. Stories of success across the nation have appeared in reports from local organizations, international organizations, and foreign governments alike. It is not uncommon to read reports documenting coexistence, local committees or commissions addressing grievances, or organizations creating returnee assistance programs. That said, the projects discussed in this report were particularly successful. The UNHCR project returned over one fifth of the refugee population at the time, a massive accomplishment that made major strides in stabilizing the region. Similarly, interventions like the CfPS's have contributed to small scale conflict resolution. Just as the CfPS Peace Committees prevented over 32 outbreaks of violent conflict, other projects have prevented outbreaks – all of which have built towards a framework for sustainable peace.

Individual successes aside, peacebuilding in Sudan has clearly failed to prevent the relapse into conflict. War broke out across the nation on April 19, 2012, and since reaching its peak in December 2013, an additional 4.5 million South Sudanese have been forcibly displaced (Sullivan, 2018). To this day, Sudan faces severe structural violence as it transitions from a coup to a hopeful democracy, and South Sudan continues in its war-torn ways. As returns are continually prioritized as a need for stability, the international, state, and local communities suffer from other causes of violence, and thus failing to truly build peace. For example, in November 2018, 125 women living in a protection of civilian site for resettling IDPs were sexually assaulted en route to a food distribution

site in Bentiu. It is these types of safety conditions that undermine the stability brought by repatriation of refugees and IDPs. To effectively create peace, NGOs, governments, and international organizations must address the root causes of these violence. However, without working from a bottom-up approach, considering the needs of the local people and working to lay the foundations *they* need, acts of violence are likely to continue and contribute to the greater cycle that peacebuilding is attempting to curb.

In local, bottom-up approaches, such as that which was operated and backed by the CfPS, peace committees and similar mechanisms have used all their potential to address local disputes. They have largely succeeded in doing so, and similar operations continue to arise across the country. However, just as with the top-down approach, the root causes of violence, such as food insecurity, land rights, and previous pain and trauma must be addressed to prevent the relapse into and continuation of the cycle of conflict.

Conclusion: Intervening for Peace

The Context and its Implications

Interventions for peace in Sudan have been an urgent necessity for many years. After an over 20-year long war and nearly a decade and a half of violent conflict and sporadic war since, Sudan continues to suffer the consequences. Unaddressed centuries of emotional trauma rooted first in the ethnic fractionization by the Arab Conquest and the Catholic Church and continuing under British, Turkish, and Ottoman colonization have plagued the nation. Consequently, in-group inclinations to protect oneself and those like them has driven individuals in power towards corruption and inspired coup after coup. Once in power, individuals like al-Nimeiri and al-Bashir solidified their power by subjugating "the other" and ridding the nation of equality. Revolting, the oppressed banded together to fight for their rights, access to education, opportunities for wealth and most central to the conflict, access to resources. Receiving international support, the groups built military wings, escalating the conflict. To keep up, the al-Bashir-led GoS established the Janjaweed and most notably, created a strategy to effectively rid the nation, at least in part, of the Fur, Masalit, and Zaghawa ethnic groups in Darfur. Now considered genocide, the coordinated attacks in Darfur and across the country by the GoS and the retaliatory attacks by the rebels tipped the nation into a violent cycle of conflict that continues to

this day – even after South Sudan's split from Sudan in 2011. There have been many attempts at peace, such as the CPA, the DPA, and the Doha Peace Agreement, however no such peace has truly arisen. Each agreement left strings untied and left NGOs, international organizations, local communities, and newly instated governments to create peace.

Transitional Justice Mechanisms

Transitional justice has been one such attempt across all levels of actors. Regional attempts at justice occurred across the country, most notably in the South by virtue of the Wunlit Peace Process and in Darfur via the Darfur Peace Agreement. The Wunlit Peace Process, in its ability to address local grievances, promote community engagement, and ensure local ownership, was incredibly successful. In fact, based on its major impacts on those involved and the council that resulted from it, has become a base framework for future local transitional justice attempts. The Darfur Peace Agreement, however, had several fatal flaws, including lack of support, minute civil participation, and a shortage of resources. Good in theory, this agreement lacked the social and political capital to be implemented effectively. The agreement had not secured the support of all warring parties, and such parties believed there was still a fight to be fought. Since the agreement did not address each one of their concerns, justice could not be served.

So, the international community took it upon themselves to pursue justice through the International Criminal Court, an institution which had named a variety of war criminals in Sudan and labeled al-Bashir the perpetrator of genocide, war crimes, and crimes against humanity. However, even after the coup that overthrew al-Bashir in early 2019, Sudan has refused to hand over the brutal dictator to the ICC. Sudan, like many other nations, is not a signatory of the Rome Statute and has no true obligation to comply with the ICC's wishes. In fact, the new Sudanese government has taken it upon themselves to charge al-Bashir, but they have since only charged him with minor, non-war related crimes. Nevertheless, the newly adopted 2019 Interim Constitutional Declaration did call for the repeal of discrimination laws, the return of confiscated property and displaced people, and transitional justice mechanisms to address war crimes. It also set a framework for commissions for peace, human rights, transitional justice, and women and gender equality. Regardless, addressing grievances, pain, and suffering of the past does not prevent conflict from occurring in the future, leaving a space for peacebuilding operations to avail.

Building Peace and Preventing Relapse

Peacebuilding operations, such as the UNHCR's refugee and IDP reintegration program and CfPS's Peace Committee program, were used to lay the foundations for sustainable peace and to prevent the relapse into the cycle of conflict in Sudan. The UNHCR, in its top-down approach, created a framework to return those who had fled their homes and attempt to create conditions in which they would succeed and maintain social cohesion upon return. By utilizing "go and see" and "come and tell" visits throughout the facilitation process, the UNHCR ensured that the return of refugees and IDPs was fully voluntary and informed, in turn promoting civic engagement and the feelings of belonging upon return. The agency also built capacity for the return by launching community-based reintegration projects, rebuilding infrastructure, schools, and medical and sanitation facilities. Lastly, agency-initiated programs in countries of asylum enabled returnees to have smooth returns into their hometowns. Programs included vocational training, coexistence promotion, education on gender-based violence, and language training, all of which contributed to addressing root causes of conflict and reducing the chance of conflict upon return.

Other peacebuilding operations in Sudan occurred in a bottom-up approach, like that of the CfPS's Peace Committee project, which supported locally elected individuals to conduct dispute resolution and serve as a mechanism that lowers the chance vengeance and uses conversation and brainstorming to solve disputes. Utilizing local knowledge, Peace Committees were able to address disputes that had violent potential in ways that larger institutions or mechanisms could not have. It is the use of local volunteers has provided the unique ability to connect with individuals as members of one's own community that allowed these Peace Committees to resolve over thirty disputes and prevent all of them from evolving into a violent conflict. Though CfPS's project has paused due to funding constraints, other organizations and mechanisms have found the resources to continue similar projects, hopefully promoting non-violent dispute resolution, local community mechanisms, and the need to address root conflicts.

Conclusions

Collectively, the use of transitional justice mechanisms and peacebuilding programs have begun to address the needs of the people of Sudan. Undoubtedly, the process of returning the nation to peace will be neither quick nor easy, and the current mechanisms, programs, and frameworks in place can only do so much. That said, these attempts *are* absolutely necessary and have made enormous strides but are simply insufficient when alone in repairing harm and preventing a relapse into conflict henceforth. There are countless ways, however, that the in the international community, the Government of Sudan, and local communities may work to repair harm done and set the foundations for sustainable peace.

Recommendations

Based on the context analysis conducted in this case study and an evaluation of the successes and failures of the transitional justice and peacebuilding mechanisms utilized, recommendations for actions moving forward are as follows:

For the international community…

The UN shall take measures against businesses and other entities that facilitate or procure from entities that illicitly exploit natural resources in Sudan.

Being that the conflict in Sudan was heavily driven and continues to be impacted by the international exploitation of natural resources, particularly oil, the United Nations and other international bodies shall take measures, such as sanctions, against entities that further the conflict either directly or indirectly. Examples of furthering the conflict include using child-labor backed by warring factions, illegal mining in contested territories, and pillaging.

Local operators shall create greater communication lines across local peacebuilding and transitional justice mechanisms to prevent competition and funnel resources efficiently.

A common critique within effectiveness evaluations within both peacebuilding and transitional mechanisms is the competition between programs in the field. A major complaint of CfPS in its peacebuilding operations, competition prevents programs from earning the greatest potential of respect and authority and eventually prevents a uniform system of addressing grievances and building peace. A single, larger project that has greater financial backing, operating in any given locality, will have a greater impact on the community than several smaller, less financially stable organizations with lesser authority.

International donors shall economically support UN agencies, NGOs, and local organizations on a long-term basis.

International donors shall support long-term projects, requiring frameworks that focus on longevity and sustainability. Current short-term operations often succeed but lack the funds to continue, largely because of competing organizations. However, the constant switch between operators removes the opportunity to learn lessons, gain institutional knowledge, and create long-term, lasting impacts.

Governments shall arrest and release al-Bashir to the ICC upon entry into any country other than Sudan.

The ICC's inability to serve justice to al-Bashir is purely due to countries unwillingness to release him to the court. Until al-Bashir is held on trial for his most grave crimes, such as war-crimes, crimes against humanity, and genocide, countries shall arrest and release al-Bashir to ensure some level of justice is served. This justice is crucial to Sudan's pivot from a period of conflict to one of peace.

Foreign countries shall initiate direct-foreign investment and support the development of anti-drought technology.

Direct foreign investment in technology, farming, and anti-drought or anti-famine technology would both produce jobs and address a few root causes of the conflict. Drought, famine, and lack of income were major catalysts throughout the conflict, often leading individuals to join militias and organizations that could provide for their basic needs. Addressing such root causes would increase self-sufficiency, thus reducing the chance of individuals turning to militant groups. Most importantly, addressing these root causes will prevent the likelihood of future conflict.

For the Government of Sudan...

The GoS shall support and/or establish transitional justice and non-violent dispute resolution mechanisms on a local level and across the country.

The Government of Sudan has yet to launch transitional local mechanisms on a local level. Though NGO and local organization mechanisms have been successful, mechanisms similar to the mobile courts operated in Rwanda may be more useful in developing newfound respect for the government and fostering a society that believes the government has each individual's needs at heart. In terms of non-violent

dispute resolution, the GoS should create systems that may calm tensions as they arise and prevent the outbreak of violent conflict, much like the CfPS Peace Committees. Such mechanisms should be based upon the most successful mechanisms produced thus far and scaled across the country.

The GoS shall promote democracy by assuring political participation by previously warring parties, monitoring and ensuring fair elections, and creating platforms for political discussion.

In its upcoming transition back to a democratically elected civilian government, the GoS shall work to encourage political participation on behalf of previous warring parties. In giving a voice in the new democracy, these parties will be less likely to resort to conflict and more likely to use the newly developed platform to advance their interests and support their constituents. To effectively transition to a peaceful democracy, elections must be monitored and confirm that elections were fair.

The GoS shall pursue justice on a national level for the crimes of the past three decades, including war crimes, crimes against humanity, and genocide.

If Sudan does not wish to produce its arrested war criminals, such as al-Bashir, to the ICC, then it must take it upon itself to charge them with the full extent of crimes committed. Truth-telling, retribution, and reparations must all be a part of the pursuit of justice in order to address the harm done. Moreover, this pursuit of justice leads individuals out of the path of revenge and into one of healing.

The GoS shall refill the courts with neutral judges.

Reparations, charges of war-crimes, and the potential mobile courts cannot operate fairly because al-Bashir had stacked the courts with his supporters. That said, for a neutral justice system, the new GoS must refill the courts with neutral judges, otherwise risking success of attempts at transitional justice and peacebuilding.

For the local communities...

Local Projects shall work with individual members of communities to identify and address trends in local needs.

Local community projects have the potential to collect enormous amounts of data to identify trends in community-specific needs. Using these trends, local communities may communicate this information to

other actors in the area, the GoS, or international organizations to address needs that, if left unaddressed may instigate conflict.

Communities shall work to scale projects by working side-by-side with other communities.

Though transitional justice and peacebuilding are not "one size fits all" solutions, lessons can always be learned from operations in other communities. By working side-by-side, communities may learn from one another and incorporate newly learned knowledge into their own programming. Also, partnering communities will allow projects to scale up, reaching greater numbers of individuals, preventing more minor disputes from evolving to conflict and assuring a greater number of victims' pain and suffering is addressed.

Communities shall continue to establish peacebuilding and transitional justice mechanisms that promote local ownership.

Current peacebuilding and transitional justice mechanisms, specifically those promoting local ownership, have been incredibly successful. That said, local communities shall continue to establish such mechanisms and work to gain local ownership in those that do not reach the level of ownership desired by the community.

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Appendices

A.   War-related Deaths in Sudan, 1983-2014 (de Waal, 2016)
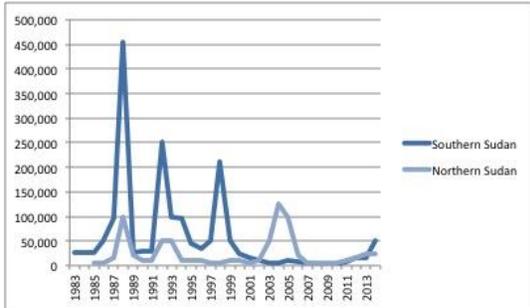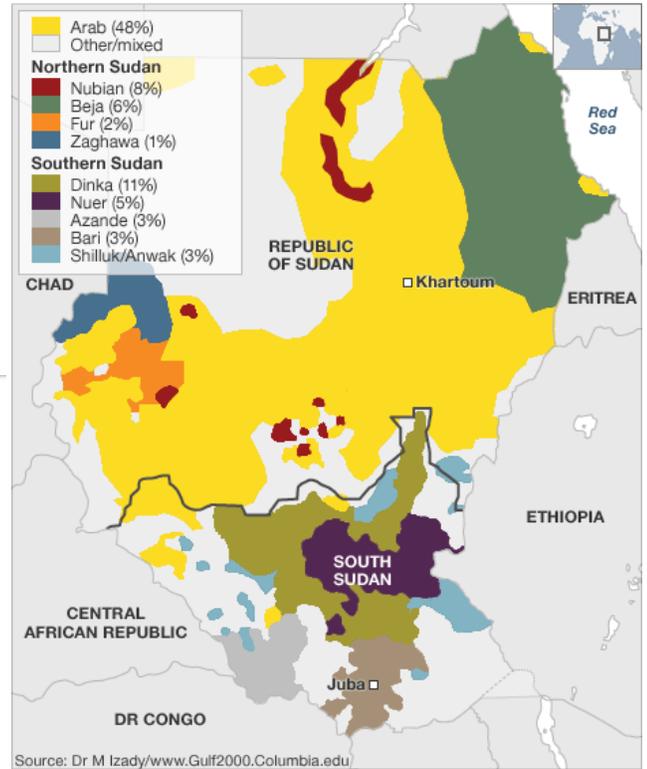

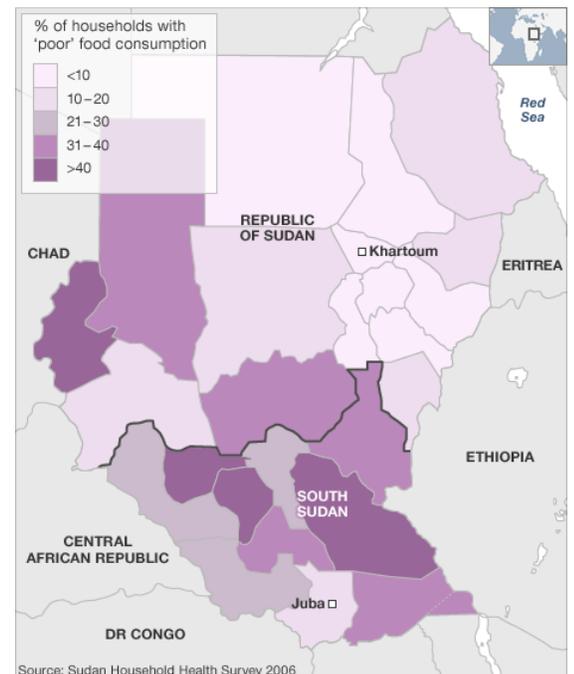B.   UNMIS Map of Sudan (S/2005/579)
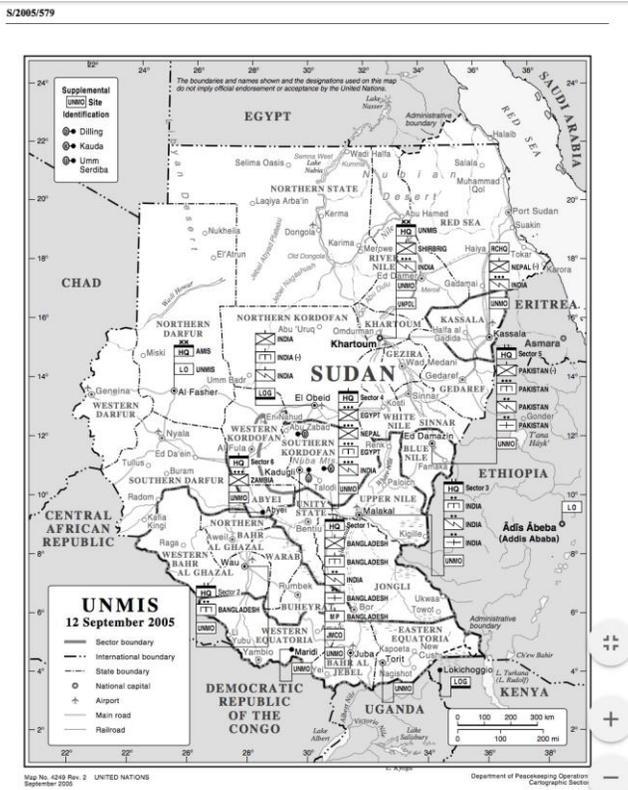
C.   Data Maps of the Sudan (Copnall, 2011)
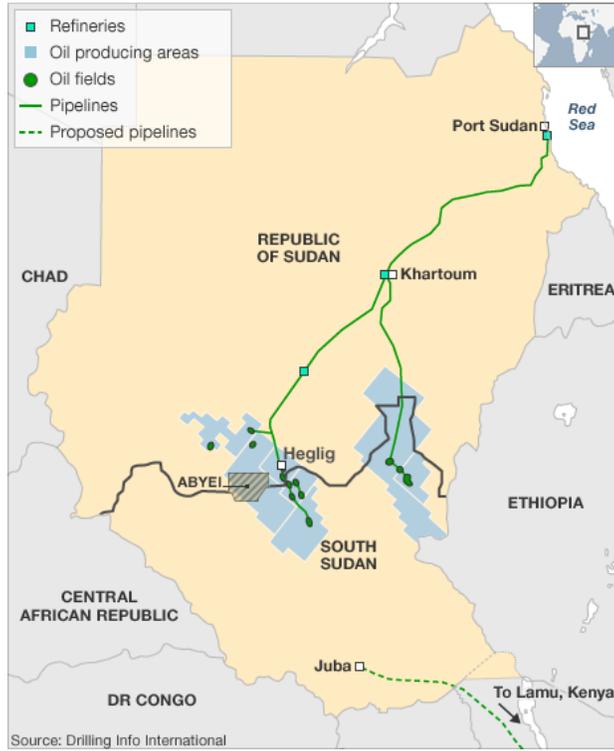
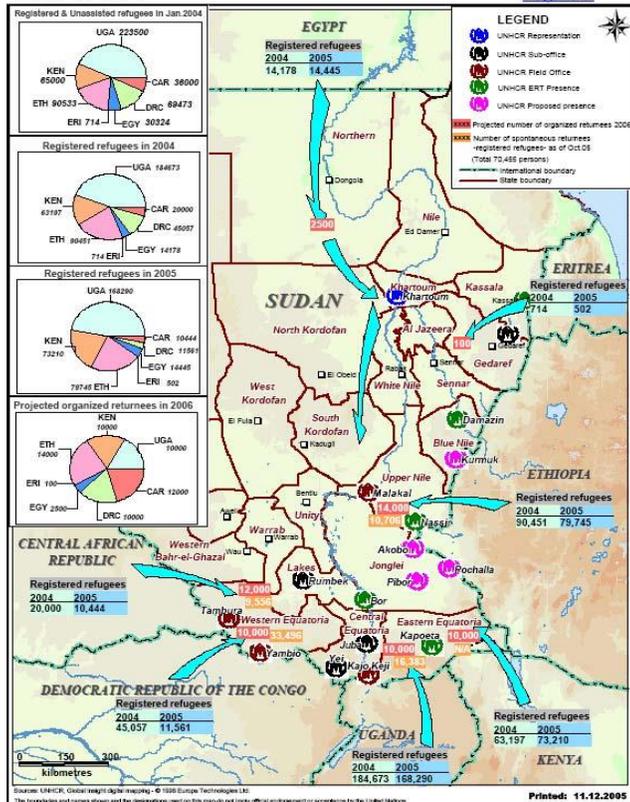i.   Ethnic Map of Sudan

ii.   Food Consumption Map of Sudan

iii.   Oil Industry Map of Sudan

D.   Return of Sudanese Refugees Up to December
     2006 (UNHCR Supplementary Appeal, 2006, p.
     22)

E.   Conflict Map of Sudan: