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## **ADDIS ABABA AGREEMENT: WAS IT DESTINED TO FAIL AND ARE THERE LESSONS FOR THE CURRENT SUDAN PEACE PROCESS?**

**David H. Shinn**

### **Past May Be Prologue**

Sudan is approaching the end of a peace process whose origins in some respects began soon after the collapse in 1983 of the 1972 Addis Ababa Agreement and the resumption of civil war. An estimated two million Sudanese, primarily Southerners, have died since 1983 of famine, disease and the direct consequences of the renewed fighting. Following the failure of a number of discrete peace initiatives, the Intergovernmental Authority on Development (IGAD) took responsibility in 1993 for bringing the Sudanese civil war to an end. Mediators from IGAD countries outlined in 1994 a Declaration of Principles (DOP) for ending the civil war. The DOP endorsed the right of the South to self-determination and creation of a secular society throughout the country. The Sudan People's Liberation Movement/Army (SPLM/A) almost immediately accepted the DOP. The Government of Sudan (GOS) initially rejected it and only in 1997 agreed to accept it as a basis for negotiations.

IGAD eventually authorized Kenya to take the lead in the Sudan peace process; early Kenyan leadership was episodic and half-hearted. IGAD reinvigorated the process late in 2001 under a new Kenyan team capably led by Lt. Gen. Lazaro Sumbeiywo. The next breakthrough was the Machakos Protocol in July 2002 that laid out a roadmap for a comprehensive peace agreement involving the GOS and the SPLM/A. A series of six protocols and agreements on individual issues followed the Machakos Protocol. After two additional years of intense negotiations, the process has become known as Naivasha for the town in Kenya where some of the talks took place. The crisis in Darfur in Western Sudan and a few unresolved issues have prevented the parties as of this writing<sup>1</sup> from reaching a final, comprehensive peace agreement.

The GOS and the SPLM/A almost certainly had in mind the failure of the Addis Ababa Agreement as they struggled to negotiate numerous contentious issues, some of them not significantly changed from the time of Sudan's first internal struggle that began in 1955 and ended with the 1972 Addis Ababa Agreement. This is an opportune time to revisit the Addis Ababa Agreement

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1. Text written in late 2004.

and consider the reasons why it failed. Was it destined to fail? Are there lessons for the current peace process? Based on the experience of the Addis Ababa Agreement, what is the prognosis for successful implementation once the parties sign a comprehensive agreement?

### **Genesis of the Addis Ababa Agreement**

A mutiny in 1955 of Southern soldiers attached to the Equatoria Corps started a process that led to the rise of Southern Sudanese nationalism. For the mutineers, the period from 1955 until 1963 was one of guerilla survival. They merged their forces as the Land Freedom Army in 1963 and soon thereafter adopted the name Anya Nya, which in several local languages means snake poison (O'Balance, pp. 57-59). The Round Table Conference in March 1965 was the first serious attempt to resolve the differences between the North and South. It failed, however, revealing in the process widespread mistrust between Northerners and Southerners (Warburg, p. 133). In the meantime, Anya Nya stepped up its attacks against the Northern government.

General Jaafar Nimeiry overthrew the coalition government led by Mohamed Ahmed Mahjoub on 25 May 1969. In a statement to the nation on that date, Nimeiry outlined the reasons why he and other members of the Revolutionary Council took power. Nimeiry specifically stated his government would work for social justice for all Sudanese, including Southerners, and cited the failure of previous governments to solve the "Southern problem". Southerners eventually came to resent the tendency by Northerners to call it the "Southern problem," which implied that Southerners were responsible for the conflict. Some Southerners, however, also adopted the terminology. In fact, early Southern leaders Joseph Oduho and William Deng wrote a short treatise in 1963 entitled *The Problem of the Southern Sudan*. Nimeiry took charge with a weak power base in the North and concluded that it was in his interest to end the civil war and solidify political support in the South. As a result, the genesis of the Addis Ababa Agreement dates from Nimeiry's accession to power in Sudan.

Nimeiry followed his May 25 announcement with a June 9 "Policy Statement on the Southern Question" that paved the way for the Addis Ababa Agreement (Lagu & Alier, p. 48). The Sudan Communist Party played a significant role in drafting this document, which made three key points. First, the new revolutionary government recognized the magnitude of the "Southern problem," emphasized that it occurred from a legacy of uneven development between the North and the South and expressed determination to reach a lasting solution. Second, recognizing the cultural and historical differences between the North and South, the statement declared that Southerners "have the right to develop their respective cultures and traditions within a united Socialist Sudan" and have the right to "regional autonomy". Third, Nimeiry proposed to achieve this goal by extending the amnesty law, developing the South, appointing a minister of Southern Affairs and calling on all Southerners to build a united and democratic Sudan (Beshir, pp. 155-57).

Urged on by Abel Alier, a Yale law school graduate and prominent Southern lawyer in Khartoum, Nimeiry took a series of concrete steps to demonstrate that his policy towards the South constituted a serious break with the past. He created a ministry of Southern Affairs, extended the Indemnity Act for another year that exempted from prosecution Southerners who returned to Sudan and established a modest development fund for the South. He also recruited Southern policemen, set up an economic planning board in Juba, opened a senior secondary school in Malakal and established a department of Christian affairs in the ministry of education (Alier, 1973, p. 27). Nimeiry appointed Alier Vice President and Minister for Southern Affairs in August 1971.

The Anya Nya insurgency in Southern Sudan, led by Joseph Lagu since 1969, continued after Nimeiry seized power until the signing of the Addis Ababa Agreement. Nimeiry's new approach towards the South suggested that he would be a different kind of Northern politician who was serious about redressing Southern grievances. Nimeiry seemed committed to ending the civil war, granting regional self-government and undertaking economic development in the South. Nimeiry had served as a captain in Juba between 1959 and 1961, when he developed a certain empathy and understanding for the situation confronting Southerners. They reciprocated this understanding. Anthony Sylvester, who acknowledges his friendship with Nimeiry, commented in mid-1976 on Nimeiry's popularity in the South, adding that he was seen as a "man who guarantees a fair deal for the region". (Sylvester, p. 185). There should be no doubt, however, that Nimeiry pursued this policy towards the South as a way to consolidate his political power in the North by building alliances in the South (Wakoson, 1990, p. 23).

Southerners almost immediately initiated discussions among themselves on the possibility of peace talks with the North. In October 1970 Abel Alier, who at the time held the position of Minister of Supply and Internal Trade, submitted a memorandum to the Council of Ministers calling for dialogue with the Anya Nya. The Council's reaction was strongly negative and the government put the memo aside (Alier, 1992, pp. 51-53). Nevertheless, Northern scholar Mohamed Omer Beshir began that same month, apparently with Khartoum's blessing, talks with key Southerners concerning the possible framework for negotiations. Forces within the Northern government prevailed in their policy to pursue the war against the South until the beginning of 1971. A failed coup led by communists in July 1971 against Nimeiry then changed the political dynamic. Nimeiry eliminated the communists from the government but was no longer in a position to form an alliance with one of the Islamic factions. He decided to take a pragmatic gamble and seek an agreement with the South. Abel Alier, who had assumed charge of the Office of Southern Affairs, convinced Nimeiry to engage in a dialogue with Anya Nya (Alier, 1992, pp. 61-67; Allen, p. 46).

After years of guerrilla fighting, Anya Nya leader Lagu created a political organization, the Southern Sudan Liberation Movement (SSLM), in 1971. The GOS held secret, preliminary meetings with the SSLM in Addis Ababa in November 1971. Both Lagu and Nimeiry had concluded by that time that the

war was becoming too expensive and that neither side could win a military victory (Beshir, pp. 129-30; Wai, p. 162). Khartoum and the SSLM agreed to formal discussions in Addis Ababa in February 1972. Initially, the positions of the two sides were far apart. The Southerners wanted a federal state with a separate Southern government and an army that would come under the federal government's command only in response to an external threat to Sudan. The GOS was not willing to grant this much authority to the South.

A number of SSLM leaders and other Southerners opposed the final draft agreement. Some argued the goal should not be regional autonomy but complete independence (Wakoson, 1990, pp. 36-38; Beswick, pp. 192-93). One of the fighters who expressed reservations was John Garang, Lagu's information officer who joined Anya Nya as a young captain just as preparations for the Addis Ababa talks were getting underway. Lagu ignored those Southerners who had concerns and others who strongly opposed the agreement. He agreed to go ahead with it anyway. The World Council of Churches (WCC) and the All Africa Council of Churches, which had the respect of both parties, played important roles during the process. The WCC in particular grasped the complexity of the situation and persuaded the disputants to pursue peace negotiations. Ethiopian Emperor Haile Selassie also stepped in at crucial times during the talks to ensure success (Wai, pp. 165-66).

### **The Terms of the Addis Ababa Agreement**

On 27 February 1972, seven persons witnessed the signing of the Addis Ababa Agreement for the North, including Abel Alier and then Minister of Foreign Affairs Mansour Khalid who joined the SPLM in 1984 and now advises John Garang. Eight Southerners witnessed for Lagu's SSLM, none of whom is a player today. Joseph Lagu and Mansour Khalid, on behalf of the GOS, ratified the Agreement at a ceremony in Addis Ababa on March 27. The key points of the Agreement and Interim Protocols follow:

- The provinces of Bahr el Ghazal, Equatoria and Upper Nile, based on the boundaries as they stood on 1 January 1956, constituted a self-governing region within Sudan known as the Southern Region.
- The Southern Region had its own legislative and executive organs.
- Southerners elected the members of a People's Regional Assembly, an organ that legislated on certain issues set out in the Addis Ababa Agreement.
- A High Executive Council (HEC) headed by a President appointed by the President of Sudan on the recommendation of the People's Regional Assembly supervised the executive organs of the Southern Region.
- The President of Sudan appointed and relieved members of the HEC on the recommendation of its President.
- The HEC President and its members were responsible to the President of Sudan and the People's Regional Assembly.
- Persons from the Southern Region were to constitute a "sizeable proportion of the People's Armed Forces in such reasonable numbers as will correspond to the population of the region".

– There was a temporary arrangement covering the first five years whereby the armed forces in the Southern Region would consist of a national force called the Southern Command composed of 12,000 officers and men of whom 6,000 would come from the South and 6,000 from the North.

– Juba was the capital of the Southern Region and the location of the HEC and the People's Regional Assembly.

– There was freedom of religious opinion and the right to profess it publicly.

– Arabic was the official language for Sudan and English “the principal language for the Southern Region” without prejudice to the use of other languages.

– There was an extensive section dealing with revenue collection and grants for the Southern Region.

– Importantly, the Addis Ababa Agreement specified that it could be amended only by a three-quarters vote in the national assembly and a two-thirds vote in a referendum of the Southern electorate (For the text of the agreement see Beshir, pp. 158-77; Wai, pp. 225-44; Wondu & Lesch, pp. 195-213).

Peter Woodward wrote in 1990 while he was at the University of Reading that the Addis Ababa Agreement “was a series of compromises designed to give sufficient regional powers to appease the South, while creating enough ties to bind the region into Sudan as a whole” (Woodward, p. 143). Sudan scholar Gabriel Warburg concluded that the Agreement was Nimeiry's “most important success in his sixteen years of rule” (Warburg, p. 179).

### **Implementation of the Addis Ababa Agreement**

Following ratification of the Addis Ababa Agreement, Nimeiry appointed Abel Alier to head the Southern Provisional High Executive Council. He reinstated Joseph Lagu in the national army with the rank of major-general and appointed him Inspector General of the army, a position that kept him in Khartoum and without command over any troops. Two and a half years later, after gaining confidence in Lagu, Nimeiry gave him command of the Southern Division. The period immediately after the signing of the Agreement offered some hope that it might actually lead to a lasting peace. Nimeiry transformed the Agreement on 3 March 1972, into the Regional Self-Government Act for the Southern Sudan. By the end of June, Southerners were in charge of administration in the South. One year later the Regional Self-Government Act became part of the national constitution.

It is useful to look at the views of four experts on Sudan who were writing about the Addis Ababa Agreement before it collapsed. One of the leading authorities on relations between the North and the South was Mohamed Omer Beshir, who served as secretary of the 1965 Round Table Conference. He wrote in 1974 in a book published a year later: “It would be fair to conclude that during the first year following the Agreement the Northern and Southern Sudanese accepted the challenges of peace” (Beshir, p. 119). Beshir went on to warn,

however, that “the Addis Ababa Agreement and what followed was just the beginning of a more difficult and complex task – the promotion of economic and social development in the South and the consolidation of the political unity of the Sudan” (Beshir, p. 120).

Nelson Kasfir, who was teaching at Dartmouth College at the time and is a former president of the Sudan Studies Association in the U.S., offered a prescient analysis published in the April 1977 issue of *African Affairs*. It represented his thinking as of 1976. Kasfir concluded that four years after the signing of the Addis Ababa Agreement both the national and regional governments remain committed to making the settlement succeed. The Agreement established the rules for postwar politics in the South and appeared to be gaining a permanent and functional role in the political system of Sudan. He added, however, that this judgment must remain in doubt for some time. Many difficulties make its continuation precarious. Pervasive suspicion and a few scattered violent incidents serve as reminders that civil wars cannot be entirely resolved by a single dramatic gesture, i.e. the Addis Ababa Agreement (Kasfir, p. 143). Kasfir noted that although there had been few public attacks on the Agreement, “private dissatisfaction with its implementation has often been voiced” (Kasfir, p. 144). Many Southerners are still worried that Khartoum “may suddenly pull the rug out from under an increasingly poorly-prepared leadership.” Kasfir warned: “For them the advantages of the Addis Ababa Agreement are withering away, and its legitimacy disappearing” (Kasfir, p. 166).

Anthony Sylvester, writing in mid-1976, was more optimistic. He acknowledged that harmony is occasionally marred by incidents, but suggested they “cannot affect the basic achievement, which endures” (Sylvester, p. 10). He added there is “nothing on the horizon that could seriously upset the present arrangement” (Sylvester, p. 184). Sylvester put enormous stock, however, in the power of Nimeiry to ensure success of the Addis Ababa Agreement and had no inkling that it would be Nimeiry who subsequently caused it to fail. He also acknowledged that some Southerners were expressing reservations about the Agreement because the North was not providing adequate funding to the South (Sylvester, p. 183).

Nimeiry granted his Minister of Culture and Information, Bona Malwal, a year of leave in 1981 to write a book about North-South relations. Malwal, a Southerner, emphasized three immediate problems in the relationship: the role of religion in national politics, the system of government and the pace and equitability of economic and social development. Malwal said that an Islamic government, even one confined to the North, is unacceptable. He expressed concern that certain Northern Sudanese were pushing hard for creation of an Islamic state. Malwal also thought it was time for the single-party Sudanese Socialist Union to give way to a multi-party system. In addition, he encouraged the creation of several other autonomous regions in Sudan. Finally, he worried that Sudan was not distributing its wealth equitably and training sufficient numbers of Sudanese to administer all parts of the country (Malwal, 1981, pp. 249-68).

## **Reasons for Failure**

So why did the Addis Ababa Agreement collapse in 1983 and result in a return to civil war? There are many reasons and most of them are attributable to Khartoum, sometimes with the collusion of Southerners in the government. In the final analysis, however, there was not a commitment by Khartoum to make the agreement work over the long-term. Northern interests prevailed over Southern grievances. The following analysis summarizes the principal reasons why it broke down. Some of them are relevant to current efforts to achieve peace in Sudan. This account does not include less significant issues such as problems experienced by returning Southern Sudanese refugees and displaced persons and efforts by the North to impose the use of Arabic in the South. In spite of the carefully circumscribed optimism expressed above by Mohamed Omer Beshir, Nelson Kasfir and Bona Malwal and the more unbridled enthusiasm of Anthony Sylvester in the early years after signing the Addis Ababa Agreement, the unraveling began almost immediately.

## **Security Issues**

The establishment of merged Anya Nya and GOS security forces did not go smoothly. One of the major factors that led to a resumption of fighting in 1983 was the failure to demobilize and reintegrate effectively the Anya Nya forces. Unemployed Anya Nya were among the most significant threats to peace in Sudan (Wakoson, 1990, pp. 45-47; Beswick, p. 199). There were violent incidents in Juba (1974), Akobo (1975) and Wau (1974 and 1976). There were problems at the Southern garrisons in Rumbek and Kapoeta in 1976 that only fast action by central government officials prevented from getting out of hand. Transfers of former Anya Nya troops both within the South and from the South to the North caused much of the tension. For his part, Nimeiry wanted to neutralize the power of Southern soldiers by transferring them to the North. The Akobo incident in 1975 resulted in a mutiny and the escape of a number of soldiers to Ethiopia. This led eventually to the creation of a nascent Anya Nya II movement.

Almost from the beginning, Khartoum seemed to have forgotten the agreed upon quantitative ratio of military deployments in the South by violating the one-to-one ratio of Southerners to Northerners. Southern military officers resented the government's policy of retiring most Anya Nya personnel and its failure to recruit new Southerners into cadet training programs. Writing in 1976, Nelson Kasfir noted that the military relationships were causing more tension than any other issue. He described Northern and Southern soldiers eyeing "one another uneasily from separate but nearby military camps" (Kasfir, p. 148). He added there was a widespread belief in the persistent violation of the Addis Ababa Agreement by the government on military issues. Kasfir wrote that the mixing of soldiers from two recruitment streams in the same units under a single chain of command at the field level had become the most dangerous issue in the implementation of the Agreement (Kasfir, pp. 149-50).

There was confusion about the initial five year period of temporary arrangements for the composition of military units in the Southern Region. Southerners argued that the initial five year period was to run before integration began. The official and probably more accurate interpretation was that integration could begin at any time after the completion of retraining. In any event, a number of Southern officers insisted that no integration should occur in the first five years (Johnson, pp. 41-42). The military relationship continued to deteriorate. By February 1983, soldiers in the Bor and Pibor garrisons in Upper Nile refused to turn over their arms in preparation for a move to the North.

In May 1983, units of a Southern battalion in Bor, Pibor and Pochalla refused outright to transfer to the North. John Garang, who had reached the rank of Lieutenant Colonel in the national army, went to Bor to mediate the dispute. He sided with the mutineers. The Sudan government moved in troops; the Southerners resisted and after encountering superior force many fled across the border into Ethiopia with their arms. Some joined the small Anya Nya II forces while others formed the nucleus of the SPLM/A that John Garang created in Ethiopia. By July 1983, there were about 2,500 SPLA soldiers in Ethiopia and another 500 in the field in Bahr el-Ghazal. There were also Anya Nya II troops under arms (Burr and Collins, pp. 12-15; Johnson, pp. 61-62).

Reviewing the failure of the Addis Ababa Agreement, Abel Alier emphasized that "security was where the fight for effective power centered during the peace talks" (Alier, 1992, p. 196). The amount of time and effort that the SPLM and GOS have invested in resolving issues related to security during the current peace process suggests that both parties fully understand the importance of getting this matter right. The Agreement on Security Arrangements during the Interim Period states that the Sudanese Armed Forces (SAF) and SPLA shall remain separate during the interim period and be considered equal as part of Sudan's National Armed Forces. Except for joint/integrated units, SAF forces deployed in the South will redeploy to the North and SPLA forces in the Nuba Mountains, eastern Sudan and Southern Blue Nile will redeploy to the South. As in the case of the Addis Ababa Agreement, the border is defined as the one that existed at independence in 1956. Joint/integrated units will serve as a symbol of national unity and serve in Southern Sudan (24,000), Kordofan/Nuba Mountains (6,000), Southern Blue Nile (6,000) and Khartoum (3,000).

The current peace talks do not include armed organizations like the government-allied Equatorial Defense Force (EDF) and Southern Sudan Defense Forces (SSDF) in the South, the SPLA-allied Sudan Allied Forces (SAF) in the East, the Beja Congress and the Rashaida tribesmen of the Free Lions in the East and the Sudan Liberation Army (SLA) and Justice and Equality Movement (JEM) in Darfur. Separate talks did take place in Cairo during August 2004 with the National Democratic Alliance, the political umbrella for the SAF. Additional talks also began with the SLA and JEM, first in Addis Ababa and subsequently in Abuja, Nigeria. There are, however, limits on the ability of the GOS and SPLA to rein in all the armed groups. The Agreement on Security states that no armed group allied to either party shall be allowed to operate outside the SAF and SPLA. The SPLA and GOS agreed to address the status of other

armed groups with a goal of achieving comprehensive peace and stability. One of the major weaknesses, however, of the current peace talks concerns the omission of these groups from the discussions and the problematic ability or willingness of one or both parties to control them. This raises the possibility that the entire country, but especially the South, could implode due to interethnic strife followed by fiefdoms led by warlords.

#### *Economic Underdevelopment in the South*

The difference in economic development between the North and South was dramatic. The Addis Ababa Agreement attempted to redress these differences. This would have been difficult even with a total commitment from the government in Khartoum. The South faced a return of refugees and displaced persons, a shortage of skilled personnel and the financial burden of employing or paying 15,000 former Anya Nya soldiers. Salaries for former Anya Nya absorbed over 80 percent of the development budgets of some ministries. There was also substantial migration to larger towns, especially Juba, and subsequent high unemployment rates.

A successful Agreement depended in large part on the ability of the South to make substantial progress on economic development—quickly. The South needed massive financial aid. There was virtually no revenue being generated in the South. This meant funding must come from the national government or international sources. Both responded inadequately. By 1976, the central government had contributed only a tiny fraction of its obligations for development of the South. On the other hand, it did cover most of the South's operating budget. Southerners concluded, nevertheless, that the North was trying to sabotage their development. The central government allocated \$225 million for development in the South's 1977-83 Six Year Plan. By 1982, it had spent only \$45 million (Johnson, pp. 43-44; Lesch, pp. 47).

Sudan requested from international donors a special development fund for the South of 50 million pounds. After two years, it received less than 5 million pounds and had promises for less than 10 million additional pounds. Even when development money became available, there was little coherent planning or supervision of development by the Southern Region. The incoherency was due in no small part to rampant corruption. Much of the money made available by Khartoum went into the pockets of Southern politicians rather than aiding development. There was also a serious lack of trained personnel in the South to manage projects. Two large ones—the White Nile Brewery in Wau and the Aweil Rice Scheme—never went into production. Sugar factories in Mongalla and Melut were approved but never commissioned. The government proposed numerous other projects that never saw completion. There was, however, more progress in Equatoria, especially in developing cotton cloth, coffee, tea and forest products (Johnson, p. 50; Khalid, 2003, p. 153; Garang, pp. 31-32; Beswick, pp. 206-7; Malwal, 1981, p. 214; Malwal, 1985, p. 20).

Republican Order Number 1 of 5 June 1983, which divided the South into three regions, was the final blow to economic development. The Order left the

regions of the South without independent sources of revenue. It put economic power in the hands of the central government and virtually ended the economic independence of the South (Alier, 1992, p. 250).

The current Sudan peace talks have taken account of economic development in the Agreement on Wealth Sharing. The focus is on oil resources, but it also gives careful attention to the sharing of non-oil revenue. The South will have the authority to raise revenue by establishing a variety of taxes, receiving foreign aid and instituting service charges. All revenue collected nationally for or by the national government will be pooled in a National Revenue Fund. The national government will allocate 50 percent of the national non-oil revenue collected in Southern Sudan to help meet economic development needs during the interim period (The formula for sharing oil revenues follows below).

Although much thought has gone into the Agreement on Wealth Sharing, the South in particular suffers from a lack of trained personnel, broken infrastructure and nonexistent institutions. The SPLM seems committed to rewarding military commanders rather than highly qualified Southern PhDs from the diaspora. It needs to fix these problems before it can implement a meaningful development program. It must also take draconian steps to avoid corruption, a problem that plagued the Southern government after the Addis Ababa Agreement and is almost certain to arise again. A new challenge not encountered in 1972 is the serious problem posed by HIV/AIDS for both the health system and the negative impact on retaining trained personnel.

### **Oil Surfaces as a Problem**

Oil was not an issue during the 1972 peace talks. There was no specific mention of oil in the Addis Ababa Agreement, but there was a provision that implicitly reserved oil rights to the central government. The Agreement gave the Southern Regional Assembly authority to legislate on "mining and quarrying without prejudice to the right of the Central Government in the event of the discovery of natural gas and minerals" (Wondu and Lesch, p. 199). The GOS issued an exploration license in 1974 to Chevron, which discovered oil four years later near Bentiu, a Nuer area in the northwestern fringe of Upper Nile. Khartoum granted Total a concession further South in 1980 in the districts of Bor, Pibor and Kapoeta.

The Northern government proposed after the discovery of oil to redraw the North-South boundary by placing the oil producing area in a new Unity Province attached to the North. Not surprisingly, this met with howls of protest from the South and Nimeiry eventually withdrew the idea. But he did replace Southern soldiers with Northern soldiers in the Bentiu oil producing area and insisted that the North retain all concession fees paid by Chevron and other companies operating even deeper in the South. Khartoum also ruled that oil income should accrue to the central government rather than the Southern Region and it made all decisions concerning exploration concessions without consulting the Southern government (Lesch, p. 48).

The Southern Region insisted that any oil refinery be built near the source of the oil in the South in order to enhance local development. Nimeiry was adamant that the refinery be located at Kosti in the Central Region. The central government avoided a crisis on this question by building, in lieu of a refinery, a pipeline from Bentiu to Port Sudan on the Red Sea. This provided no benefit to the South. The GOS ruled against a pipeline running south from Bentiu to Mombasa on the Kenyan coast, as proposed by Southerners, on the basis that it was not feasible economically or politically (Alier, 1992, pp. 240-43; Johnson, pp. 45-46; Garang, p. 22; Malwal, 1981, pp. 244-45; Malwal, 1985, p. 30).

Abel Alier concluded that the discovery of "oil contributed to the abrogation of the Addis Ababa Agreement," the transfer of Southern troops to the North and Northern troops to the production area at Bentiu (Alier, 1992, p. 244). Elias Wakoson, who has written extensively on Southern Sudanese history, noted that "the discovery of oil in the Southern Sudan created a political time-bomb" (Wakoson, 1993, p. 45). Nimeiry could not accept the idea that revenue from natural resources come under the control of Southerners. Whether the discovery of oil was the tipping point or Nimeiry had already decided to torpedo the Addis Ababa Agreement, it clearly set in motion a downward spiral that undermined the Agreement. It was no surprise, therefore, that one of the first areas attacked by Southern forces after abrogation of the Agreement was the Chevron operation near Bentiu. The Anya Nya II and SPLA effectively shut down Chevron operations in the South by the end of 1984 (Garang, pp. 53-54; Woodward, p. 162).

One of the most contentious issues in the current peace talks has been a formula for sharing oil revenue. The parties agreed to establish an Oil Revenue Stabilization Account from net oil revenue that is derived from actual export sales above an agreed benchmark price. They also agreed that at least two percent of oil revenue will be allocated to the oil producing states/regions in proportion to output produced in these areas. After the payment to the Oil Revenue Stabilization Account and to the oil producing states/regions, 50 percent of net oil revenue derived from Southern Sudan will be allocated to the government of Southern Sudan and the remaining 50 percent will go to the national government and the states in Northern Sudan.

The key to successful implementation of the oil revenue sharing provision is complete transparency of all production and revenue creating aspects of the oil industry. Without transparency, there will be no trust. Once transparency exists, the national government must then follow rigorously the terms of the Agreement on Wealth Sharing. The temptation to violate one or both of these precepts will be enormous.

### **The Jonglei Canal**

A canal to carry water past the swamps of the Sudd created by the meandering White Nile in Southern Sudan has been under consideration since the beginning of the 20th century. Preparation for the first phase of the scheme began in 1974. Sudan awarded the \$43 million contract for the 360 kilometer long canal (twice the length of the Suez Canal) to a French company in 1976.

Construction started in 1978 using the world's largest digging machine. It is estimated the canal would have decreased the volume of water in the Sudd by about 20 percent. The decision to build the canal was part of a grand design by the Egyptian Ministry of Public Works to increase the flow of water to Lake Nasser (Howell, Lock Collins, pp. 201-5; Alier, 1992, pp. 214-16).

There was no mention of the Jonglei Canal in the Addis Ababa Agreement. The way in which the Northern government handled the project convinced Southerners that the central government was more interested in irrigation projects in the North and water for Egypt than the development of the South. Although the project envisaged mechanized agriculture along the canal in the South, Southerners doubted it would ever happen. John Garang wrote his doctoral dissertation in 1981 at Iowa State University on the Jonglei Canal. He argued that it would disrupt the traditional regimen of Nilotic life in the region. Garang preferred a combination of drainage, irrigation and mechanized farming by creating compact village centers (Collins, pp. 210-11).

Some Southerners, including Abel Alier, initially saw Jonglei as an opportunity to cooperate with Northerners for mutual advantage. Others saw it as one more attempt by Nimeiry to reduce the South to dependence on the North. The GOS never made the effort to explain the project to Southerners, who assumed the worst about it. There were serious riots by more than a 1,000 students and young people in Juba in October 1974 against the proposed canal. The demonstrators set fire to buildings and vehicles; two of them died during the protest. The demonstrations soon spread to a number of other towns in the South. There were poorly understood environmental impacts to the reduction in the size of the Sudd. The canal cut off Southerners living on each side of it except for a limited number of overhead crossing points. Southerners were deeply suspicious. Some of them believed malicious rumors that completion of the project would result in an influx of thousands of Egyptian farmers (Collins, p. 203; Johnson, pp. 47-49; Alier, 1992, pp. 219-24; Khalid, 2003, p. 145-46).

Following the collapse of the Addis Ababa Agreement and the creation of the SPLA, Garang decided to end the Jonglei Canal project. The SPLA attacked and destroyed the camp of the French construction company at Sobat on 10 February 1984. This stopped the canal's excavation at kilometer 267. The huge digging machine continues to rust at that location in the unfinished canal. There are no plans to resume construction (Collins, p. 212).

Construction of the Jonglei Canal has not been part of the current peace discussions. In fact, even the more important issue of general water usage has not been on the table (Woodward, 2004, p. 478). The two sides apparently believed the matter too controversial and of lower priority than the many subjects that they did negotiate. The SPLM decided that this is an issue on which there is not agreement among Southerners. Consequently, it will only be considered after there is an elected government in the South. It will not be possible to avoid for long the Nile water allocation and the canal questions. Egypt will almost certainly raise the issue. When it does reappear, Sudanese Northerners and Southerners will need to revisit the earlier water allocation and canal agreements with Egypt (Alier, 1992, p. 232-35).

### **Interference in Southern Politics**

Nimeiry regularly intervened in the process for choosing the president of the Southern High Executive Council (HEC). He played Abel Alier off against Joseph Lagu. He pressured the regional assembly in 1973 to accept Alier and then in 1978 endorsed Lagu, who held the presidency for two years. Alier returned to power in 1980, when he appointed fellow Dinka tribesmen to half the ministerial positions in the HEC. To some extent, Nimeiry was pitting the Dinka, the largest ethnic group, against non-Dinka and especially Equatorians, who lived in the wealthiest part of the South. Alier represented the Dinka and Lagu the Equatorians. From this point on, Lagu and his supporters campaigned for a separate Equatoria Region in an effort to avoid "Dinka domination". (Wondu and Lesch, p. 6; Alier, 1992, pp. 185-204; Lesch, pp. 50-51; Johnson, pp. 42-43; Beswick, pp. 201-3).

Nimeiry arbitrarily dissolved the HEC and the southern regional assembly in 1980 and 1981. Following the election of a new regional assembly in 1982, Nimeiry insisted that the new Southern government, now headed by an ally of Joseph Lagu, submit a plan to dissolve the regional assembly and transform the HEC into an appointed council (Lesch, p. 51). Kasfir concluded as early as 1976 that Nimeiry, by meddling in the Southern Region political process, was "violating the spirit of the agreement, if not the letter". (Kasfir, pp. 161-62). Southern politicians contributed to the problem by failing to create a common destiny for Southerners and focusing on competition for public office. Anti-Dinka feeling developed in Equatoria and bitter ethnic factionalism characterized sessions of the Southern Assembly in Juba. This created a situation that Nimeiry could manipulate easily (Allen, pp. 49-51 & 55-56).

Bona Malwal, writing in 1981, had a somewhat different explanation for the strained North-South political relationship. He argued that Southerners had little interest in the central government, which they perceived as the government of the North, and became self-satisfied with their regional autonomy. Southerners basically trusted Nimeiry and did not question the basis of his decisions, even those that might adversely affect the South. For his part, Nimeiry took the South for granted, even on matters of direct concern to Southerners. As a result, there was surprisingly little consultation between the North and South (Malwal, 1981, pp. 216-17). Malwal acknowledged, however, that Khartoum made a concerted effort to divide the South along ethnic lines (Malwal, 1981, p. 244).

The current peace talks have devoted an enormous amount of time to the issue of power sharing in an effort to avoid the problems encountered during implementation of the Addis Ababa Agreement. The Protocol on Power Sharing is the longest and most detailed document in the series<sup>1</sup>. It grants overwhelming power, however, to the ruling National Congress Party (NCP) in the North and the SPLM in the South. Prior to parliamentary elections, it reserves 52 percent

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1. True at the time of writing. But a new Security document, drafted on December 31st 2004 is even longer, running to 49 pages. This only reinforces the author's point about security being a prime concern [editor's note].

of the seats in the National Assembly for the NCP and 28 percent for the SPLM. It assigns 14 percent to "other Northern political forces" and six percent to "other Southern political forces". This division will not satisfy the "other political forces" in the North or the South. Since they were not party to the agreement, they had no voice in the matter. Nor has the issue of "Dinka domination" disappeared. The SPLM/A is dominated by Dinka, especially Bor Dinka. The 13 member Leadership Council of the SPLM/A includes seven Dinka and six from other ethnic groups (Young, p. 425). It will take enormous skill and flexibility during the implementation stage to achieve equitable power sharing that does not quickly break down into internal squabbling.

### **Efforts to Redraw the North-South Boundary**

Khartoum attempted to redraw the North-South boundary line at several locations in addition to the one where Chevron discovered oil in the Bentiu area. John Garang emphasized this issue in a speech he made on 3 March 1984. He complained that Nimeiry tried to change the boundaries of the Southern Region with his 1980 People's Regional Government Act. The goal, according to Garang, was to deprive the South of mineral rich or prime agricultural land in Hofrat el Nhas, Kafia Kingi, Northern Upper Nile, Bentiu, etc. (Garang, p. 21).

The Addis Ababa Agreement defined the Southern Region as Bahr el-Ghazal, Equatoria and Upper Nile as they existed on 1 January 1956 "and any other areas that were culturally and geographically a part of the Southern Complex as may be decided by a referendum" (Wondu and Lesch, p. 196). Southerners believed that Abyei should be subject to a referendum. They made this argument with much more vehemence during the 1992-93 Abuja Conferences than they did before the failure of the Addis Ababa Agreement. In any event, there never was a referendum for the people of Abyei to decide if they wanted to remain with Kordofan in the North or become part of the South.

Border areas are major issues in the current peace talks. They resulted in two detailed, draft protocols: one on "The Resolution of Abyei Conflict" and the other on "The Resolution of Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States". Upon signing of a final peace agreement, the residents of Abyei will be citizens of both Western Kordofan and Bahr el Ghazal, with representation in both states. During the interim period, the parties agreed on a complex formula for dividing oil revenues. When the referendum on the future of Southern Sudan takes place, the residents of Abyei will vote separately to retain their special administrative status in the North or to become part of Bahr el Ghazal in the South.

The parties agreed that the boundaries of Southern Kordofan/Nuba Mountains will be the same as the former Southern Kordofan when Greater Kordofan was sub-divided into two provinces. Blue Nile State will maintain the same boundaries as the existing Blue Nile State. Democratically elected legislatures in the two states will establish a commission to assess the implementation of the agreement. The two commissions will submit their report no later

than the fourth year after signing a comprehensive peace agreement. An independent commission established by the Presidency will then evaluate the implementation process and report to the national government and two state governments. The legislatures of the state governments will either approve the independent commission's report or engage in discussions with the national government to rectify any shortcomings.

There is considerable room for interpretation and misunderstanding of these protocols, especially the one for Southern Kordofan/Nuba Mountains and Blue Nile State. In the final analysis, a successful solution to this problem is almost entirely dependent on the good will of all the concerned parties

### **Sudan-Egypt Integration Charter**

The 1982 Integration Charter between Egypt and Sudan and their Joint Defense Treaty aroused Southern fears that Egypt might help suppress the South. Sudan's close ties with Egypt, combined with the history of Egyptian support for the Jonglei Canal, convinced many Southerners that Khartoum was moving towards an Arab Islamic state. The Charter gave Egyptian citizens the right to buy and occupy land in the Jonglei Canal area and raised fears among Southerners that it would lead to considerable Egyptian economic and political influence. Cancellation of the Charter became a high priority of the SPLM and other Southern political groups (Howell, Lock & Cobb, p. 466; Johnson, p 54; Wakoson, 1993, p. 47). John Garang later called the Integration Charter unconstitutional and charged that it was designed to protect the North against insurrection in the South or other parts of Sudan (Garang, p. 21).

A constant in Egyptian policy has been a strong belief in the unity of Sudan. Dependent on the Nile for 95 percent of its water, all of which enters Egypt from Sudan, Egypt has no desire to deal with one more Nile riparian state, i.e. an independent Southern Sudan. Egypt has, therefore, a vested interest in any agreement between Northern and Southern Sudan. Egypt could play the role of spoiler if it perceives that any agreement between the North and South will work to its detriment. For this reason, it is important to keep Egypt well informed about the status of negotiations. For its part, Egypt must understand that Northern and Southern Sudan have an overriding interest in ending the civil war and working out an arrangement that is satisfactory to both parties.

### **Dividing the South into Three Regions**

By all accounts, one of the most important causes for the failure of the Addis Ababa Agreement was the decision by Khartoum to redivide the South into three regions, i.e. returning it to the way it was before the two parties signed the Agreement. Nimeiry's goal was to undermine the political strength of a unified South. Arguing that development could proceed more rapidly if the South were decentralized, Joseph Lagu strongly supported this effort. Beneath

the surface, however, Lagu saw the redivision of the South as a way to limit the power of the Dinka.

Nimeiry, under pressure from Northern opponents of the Addis Ababa Agreement, first raised the issue of redivision in February 1980 at the central committee of the Sudanese Socialist Union. Most Southerners in the central committee opposed the proposal. Nimeiry dismissed the Alier government in 1981 and requested a referendum on dividing the South. National Assembly elections in 1982 returned a two-thirds majority of Southern members who opposed the plan. Nimeiry then withdrew it and called for new regional elections within the framework of a united Southern Region. Nimeiry worked hard to divide Southerners and build support for redivision of the South. Alier argued that a hostile reception Nimeiry received while on a visit to Rumbek in December 1982 strengthened his resolve to destroy the Addis Ababa Agreement "by any means" (Alier, 1992, p. 211). With Southern opposition to redivision weakened, Nimeiry, with Joseph Lagu at his side, announced on 5 June 1983 Republican Order Number 1 that redivided the South into three regions.

The presidential decree violated the constitution, which specified that the Addis Ababa Agreement could only be amended by a three-quarters majority vote in the national assembly followed by a two-thirds majority in a referendum in the South. There was no vote by the Southern regional assembly, no endorsement by the national assembly and no referendum in the South. When Southerners protested this move, Nimeiry replied that the Agreement was not sacred. Nimeiry immediately disbanded the HEC and regional assembly and replaced them with three governors, all allies of Joseph Lagu, for Equatoria, Upper Nile and Bahr el-Ghazal. Nimeiry then cancelled direct elections for the regional assemblies and withdrew their control over revenue derived from trade and natural resources. Military officers in the South answered directly to the Defense minister in Khartoum and no longer to the Southern Command in Juba. In the end, the three regions had less power than before and even Joseph Lagu fell into a state of despondency as he whiled away his time as Second Vice President in the national government where he had little responsibility and even less respect.

Although the Addis Ababa Agreement was in an advanced state of decay by June 1983, Nimeiry's decision to redivide the South effectively annulled it. Some observers cite the September 1983 laws that instituted sharia as the primary reason for the failure of the Agreement. Although these laws underscored to Southerners the hopelessness of their situation and increased prospects for a return to civil war, the Addis Ababa Agreement died on 5 June 1983, months before promulgation of the September laws (Wakoson, 1993, p. 37; Malwal, 1985, p. 34).

Assuming the parties approve a comprehensive agreement in Kenya, there is, of course, no way to prevent its subsequent abrogation. The lesson of the failed Addis Ababa Agreement should, however, be clear. Once signed, any annulment by the national government would result in a resumption of civil war. It is conceivable that Southerners will conclude that the agreement, even if implemented properly and fairly by the North, will not result in the desired

outcome and take actions to terminate it. That, too, would result in a return to conflict between the North and South.

*Was the Addis Ababa Agreement Destined to Fail?*

Writing long after the demise of the Addis Ababa Agreement, one of its original drafters, then Sudanese Foreign Minister Mansour Khalid, commented that within the Northern government self-styled Arabists were blatantly unhappy with it from the beginning. This group made every attempt to frustrate the Agreement. The Arabists especially objected to the recognition of Southern “rebels” as a “liberation movement” (Khalid, 2003, p. 140). Khalid added that “no sooner had the ink dried on the agreement than Nimeiry began to undermine it” (Khalid, 2003, p. 143).

Another school of thought suggested that the seeds for the collapse of the Agreement were included in its very provisions. According to this reasoning, the GOS delegation deliberately created loopholes in the Agreement that allowed Nimeiry flexibility to interpret the terms as he wished. The GOS then moved quickly to achieve concurrence from the SSLM before it had time to change its mind. The SSLM delegation was too hasty in accepting the Agreement in order to achieve peace and avoid any blame in the event the talks failed (Wakoson, 1990, p. 26 & 35).

Stephanie Beswick of Michigan State University concluded in 1991 that the Addis Ababa Agreement was at best a “palliative, doomed in advance because the prevailing social and economic conditions in the South were such that any democratic government would probably have failed” (Beswick, p. 191). She added that “it soon became apparent after 1972 that the North in reality intended to maintain political control regardless of promises of autonomy”. This false autonomy perpetuated a deep and bitter resentment. Thousands of Southerners returned to the region expecting peace and prosperity but found unemployment, hunger, poor medical services and a broken judiciary. Frustrated and unemployed Anya Nya roamed the countryside and crime increased to unmanageable proportions (Beswick, p. 211).

The Addis Ababa Agreement was probably destined to fail, although this was difficult to predict following the euphoria after signature in the early part of 1972. Reasonably well crafted and containing a surprising amount of detail, the will to implement all aspects of the Agreement was questionable from the outset. Former Sudanese Minister of State for Foreign Affairs, Francis Deng, concluded: “It is now obvious in hindsight that although the Addis Ababa Agreement in fact offered the nation the most promising basis for unity to this point, it was not initially intended by Nimeiry as a national accord that would endure over the long run. It was, in fact, a tactical move by a desperate dictator in search of a political base of representative power” (Deng, p. 160).

Douglas Johnson, who has written extensively about Sudan, concluded that the two principal beneficiaries of the Addis Ababa Agreement, President Nimeiry and Joseph Lagu, repudiated it and are responsible for its breakdown. Most Southern and many Northern Sudanese saw it as a failure well before its

demise in 1983. Johnson also argued that a return to the 1972 Agreement's provisions of regional autonomy will not end the conflict between North and South that resumed in 1983 (Johnson, p. 39). Agreement by the SPLM and GOS to a referendum within six years on Southern self-determination is an implicit acknowledgement that the current peace talks have learned this lesson from the 1972 Agreement. The key to achieving success at Naivasha is to avoid the pitfalls experienced during drafting and, more importantly, during implementation of the Addis Ababa Agreement.

### **Where Are They Now?**

There were three key Sudanese leaders behind the Addis Ababa Agreement—Jaafar Nimeiry, Abel Alier and Joseph Lagu. They all played important roles during the period before the Agreement and continued in some fashion through its demise in 1983. Tim Allen of the University of Manchester concluded that with the possible exception of Alier, the three “were probably motivated more by self-interest than any ideal of democratic national consolidation” (Allen, p. 48). What happened to Nimeiry, Alier and Lagu?

The revocation of the Addis Ababa Agreement and resumption of the civil war in 1983 contributed to Nimeiry's downfall two years later. A series of riots in Khartoum and elsewhere caused the military to restore order and depose Nimeiry when he was returning to Sudan from a visit to the U.S. Following his overthrow in 1985, Nimeiry took exile in Egypt where he remained for 14 years. He returned to Khartoum in 1999 when he tried without much success to reestablish a political following. He created the Working People's Force Alliance and ran for president in 2000 when he won just under ten percent of the vote. Nimeiry, now 74 years old, is a spent force in Sudanese politics.

Abel Alier, a Bor Dinka, has remained in Sudan as a practicing attorney since the signing of the Addis Ababa Agreement. He held key positions in the Southern and Northern governments throughout most of the time the Agreement remained in effect. He left the government before the Addis Ababa Agreement failed. He continues to practice law in Khartoum and to play a role behind the scenes on issues concerning the South. Now 71 years old, Alier is a political survivor and retains considerable respect among many Southerners and Northerners. His book, *Southern Sudan: Too Many Agreements Dishonoured*, provides the most complete analysis of the failure of the Addis Ababa Agreement.

Joseph Lagu, a Madi from Ekuatoria, was serving as second vice president in the Nimeiry government at the time of its overthrow. Lagu moved to London until the Sadiq el Mahdi government asked him to serve as roving ambassador for Sudan from 1988-90. During this period he tried without success to mediate between the GOS and the SPLM. Lagu was Sudan's Permanent Representative to the United Nations in New York from 1990-91. Following the toppling of the Sadiq el Mahdi government, he resumed his exile in London. Lagu briefly visited Khartoum in 2001, when he met President Bashir. He continued to Juba, where

he urged Southerners to preserve their identity whether they secede or remain in a united Sudan. He returned to Juba in 2002 at the invitation of the South Sudan Coordinating Council and urged South-South reconciliation. Lagu, now 72, has some support in Equatoria but limited credibility with most other Southerners today.

### **Prospects for the Current Peace Process**

The likelihood that the GOS and SPLM/A will sign a comprehensive peace agreement are still good in spite of detractors on both sides, especially in Khartoum, and the serious setback caused by the humanitarian and political crisis in Darfur. There is just too much to be lost by the GOS and SPLM/A if they do not sign. The two parties are tired of war and they have over the past two years achieved a surprisingly detailed and equitable series of agreements and protocols. In addition, with the possible exception of Eritrea, Sudan's neighbors, the African Union and the international community strongly support the peace process and a signed agreement. There will be peace benefits for most of these parties.

As with all agreements that try to end conflicts, the hard part comes when implementation begins. The world is littered with signed agreements that broke down during implementation. The Addis Ababa Agreement, which remained in force for more than 10 years, is a case in point. The noted British historian, Arnold Toynbee, made a visit to Northern and Southern Sudan in 1964. Although not an expert on the country, he was an astute observer of events and offered the following observation 40 years ago. The problem between the North and South is a situation where the much more powerful and developed Northern Sudan must exercise "inexhaustible patience, forbearance, and generosity, and also for immense understanding and sympathy. A serious failure, on the Northern Sudanese people's part, to solve the problem of its relations with the Southerners might have disastrous effects, not only for both parts of the Sudan, but for the whole of Africa" (Toynbee, p. 37).

The current series of Sudan peace agreements and protocols has the advantage of being generally well crafted and with sufficient detail to avoid most misunderstandings. But there are serious challenges, not the least being the absence from the discussions of key political groups and regions in the North and several potential spoilers in the South. The current fighting in Darfur almost certainly stems in part from the fact that political groups there were not part of the process. They watched the SPLA fight their way to the negotiating table and may be doing the same thing by following the SPLA example (Woodward, 2004, p. 478). Groups in eastern Sudan could well follow suit.

The series of documents resulting from the current Sudan peace process are very different than the agreement signed in 1972. Both parties agreed in 1972 to give the South an element of autonomy and then treat the region as a relative backwater. The current process goes well beyond this approach. It adopts much of John Garang's concept for a "New Sudan" and gives a more important role

to Southerners in the central government and in Sudanese society generally. The goal is to create a Sudan that brings together the many diverse groups in the country. Islamists in the North may find this objectionable and work hard behind the scenes to resist change. They will find it difficult to give up on their Islamic agenda. There are some new political factions such as the Justice and Equality Movement in Darfur that appear to support the Islamist movement. If the views of these organizations prevail, the Southerners will almost certainly opt near the end of the six year agreement for secession.

At every twist and turn of the implementation stage there will be parties in Sudan and perhaps a few outside the country who will work to sabotage the process. Only a strong commitment to implementation by the GOS, SPLM and the other political groups who must be brought into the process can assure success. The ultimate goal should be a modern Sudanese state based on democratic principles and balanced development that takes full account of Sudan's enormous diversity. A better understanding of the reasons why the Addis Ababa Agreement failed may help improve the chances that a new agreement will be implemented successfully.

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