

EVALUATION OF THE NUBA MOUNTAINS CEASE-FIRE
MONITORING
(APRIL 2002-JUNE 2003)

1. Introduction

The present evaluation of the first three mandate periods of the Nuba Mountains Cease-Fire Agreement was realised in the course of my postgraduate studies in "Conflict Resolution" at the *University of Bradford/UK*. It is based on research¹ carried out in the Nuba Mountains, Nairobi and Khartoum from 24 May to 25 June 2003 and on my working experience with the JMC as press and information officer from April to August 2002. The field research was made possible by a research credit of the *Swiss Federal Department of Foreign Affairs* to which I wish to extend my thanks.

The study has five sections. After the introduction we look in chapter 2 at the impact of the Nuba cease-fire. In chapter 3 we focus on the performance of the JMC and examine the achievements and shortcomings of the mission. We end with a conclusion and some recommendations.

The Nuba Mountains cover the size of Austria and are situated in a transition area between the north and the south of Sudan. The region has gained international attention as a test case for the peace process in Sudan: „*The success of the Nuba Mountains cease-fire gives us tangible indications of what a comprehensive peace agreement could accomplish not only in the South, but throughout all of the Sudan.*"² The Nuba Mountains Cease-Fire Agreement is one of four confidence-building measures proposed by US special envoy John Danforth in December 2001. The actual negotiation process was a teamwork of American and Swiss officials. On invitation of the Swiss Government represented by Ambassador Josef Bucher representatives of the Sudanese Government and the SPLM Nuba Mountains met for talks on the Bürgenstock in Switzerland. The parties signed the agreement after five days of negotiation on 19 January 2002.

The Nuba cease-fire is a *political agreement* aimed to prepare the ground for a comprehensive peace process. It has also a *humanitarian objective*. The cease-fire shall provide the safe environment for international NGO's and UN-agencies to tackle an alarming humanitarian crisis. A UN sponsored report³ of September 2001 concluded that the combined effect of war-induced famine, drought, displacement

¹ Individual and focus-group interviews with over hundred people from different backgrounds were carried out in the Kauda area, Heiban, Umm Sirdiba area, Jageda, the Miri Hills, Shatt Al Damam, Julud and Kadugli. The local view was complemented by conversations held with JMC staff, members of international NGO's and UN-agencies, academics and diplomats. A list of interviewees is comprised in the annex.

² Walter H. Kansteiner, US-Assistant Secretary for African Affairs, Testimony before the Senate of Foreign Relations Committee Subcommittee of African Affairs, Washington DC, July 11, 2002, available at: www.state.gov/p/af/rls/rm/11843pf.htm

³ Report of the Inter-Agency Assessment Mission to the SPLM Areas of the Nuba Mountains, 19th September, 2001

and blockade of humanitarian assistance by the Government of Sudan (GoS) had led to wide spread starving in the Nuba Mountains.

The Nuba Mountains, situated in the province of Southern Kordofan, are not part of the historical South. The violent conflict is however linked to the dynamic of the civil war in the South and shares many of its root causes. Young Nuba intellectuals joined the SPLM in the mid-eighties to struggle against racial discrimination and economical marginalisation⁴. African peasant communities formed the social base of the movement. The government countered the advance of the guerrilla by distributing weapons to nomad tribes and by playing up ethnic and religious differences between Arab and African communities. Khartoum also managed to seal off the Nuba Mountains from humanitarian relief, using hunger as a weapon against the SPLM.

2. The Impact of the Nuba Cease-Fire

2.1. General Observations

The benefits of the cease-fire have reached all social segments. Interviewees on both SPLM and GoS side acknowledge that the cease-fire has a positive impact on their life and the life of their community. The hope that the cease-fire is not just a break between two wars, but the start into a brighter future is a common feature of the answers. Proof of the emerging optimism is the *massive return of displaced people* to the Nuba Mountains. Hundreds of new houses and huts have mushroomed during the dry season all over the Nuba Mountains.

Interviews held by the author with over hundred people from different backgrounds confirm two trends: First, there are *different perceptions of the cease-fire* on the SPLM and GoS side. Second, there are significant *differences of opinion between the leadership and the grassroots*. Few interviewees at the grassroots have a detailed understanding of the terms of the cease-fire and the mandate of the JMC. On the SPLM side most people however distinguish between the current cease-fire and peace, which is associated with the achievement of political rights and a comprehensive settlement. On the GoS this distinction is hardly made. People at the grassroots tend to mix both conceptions and identify peace with the absence of fighting and the rehabilitation of basic infrastructure. The confusion is underscored by government officials, who preferably use the word “peace” when referring to the “cease-fire”.

On both sides the opinion at the grassroots deviates from the perspective of the leaders. SPLM leaders highlight the limitations and shortcomings of the cease-fire. They acknowledge that the situation has improved but not fundamentally changed, because the root causes of the conflict remain unaddressed. The balance is mixed for another reason: *the cease-fire burdens the leadership with new responsibilities* in the domain of administration and infrastructure: returnees demand schools and services! The SPLM lacks the human and financial resources to adequately respond to those demands.

⁴ Lavergne, Marc, (2003), Soudan, A qui profite de l'aide humanitaire?, in: Médecins sans frontières (eds.), *Populations en danger*, édition Le Seuil, Paris

SPLM leaders have welcomed the cease-fire as a short-term measure to avoid a humanitarian disaster. On the long term, however, they have little interest to hold the fire if no progress is made on the political agenda. SPLM leaders have repeatedly expressed their readiness to continue the armed struggle in case the Machakos peace-talks should fail. At the grassroots the cease-fire has strong support thanks to the improvement of material and psychological life conditions. Especially women express little eagerness to continue the armed struggle and return to a life full of sacrifice. Men and women are equally unambiguous in their support of the SPLM leadership. They admit to readily follow its orders - even in case that war should be decided.

The contrast between top and bottom level of the social pyramid is salient also on the GoS side. Though local authorities publicly express their happiness with the cease-fire, they avoid, when interviewed, to comment on the agreement more than in very general and vague terms. The cease-fire has reactivated trade and production. But it has also curtailed their authority and put them under constant observation of an international body, to which people can turn with their complaints. The opinion at the grassroots is straightforward and unconditionally positive. The Nuba communities have nothing to lose but much to gain from the cease-fire. People in general and women in particular emphasise that life has become much easier and their sleep more relaxed thanks to the cessation of hostilities.

In summary we note that *the cease-fire is firmly supported at the grassroots*, where the benefits are ample and at reach for everybody thanks to the free movement, the reactivation of the economy and a new sense of tranquillity and hope. At the top level the feelings are mixed; *political concerns and power interests mitigate the support for the cease-fire*. Authorities on both sides are facing considerable bottom-up pressures (for a better infrastructure, more services and freedom) and must reaffirm their leadership in a challenging political environment.

2.2. Confidence Building

The building of confidence between the parties is a central objective of the cease-fire. I collected the views of several local JMC monitors to that subject. Monitors from both SPLM and GoS side acknowledge that there is a fair amount of trust between them. They generally maintain a cordial relationship and some have even become friends. International monitors confirm that *the joint teams function well*. Occasional frictions and moments of tension are the exception to the rule.

A shared cultural background facilitates good interpersonal relations between national monitors. However, those friendly relationships don't affect political loyalties in any significant way. Asked if the joint monitoring experience has increased their understanding and empathy for the other side, local monitors answered always negatively. They trust their colleagues on a personal base, but they don't extend that trust to the political constituency the colleagues are belonging. This reveals the limits of the confidence building process. Personal links between the sides may be helpful to solve smaller disputes and disqualify rumours, but they can hardly bridge political cleavages or diffuse major tensions.

The weekly Chairman's Meeting is vital to the stability of the cease-fire. It has institutionalised the dialogue between the parties. Without such a permanent dialogue the cease-fire could easily break apart over disputes of even minor transcendence. The quality of that dialogue is however not satisfactory. Discussions at the Chairman's Meeting advance slowly on cease-fire violations and tend to turn in circle on more principal questions like the disarmament of civilians or the storage of weapons. The cordial atmosphere can hardly diffuse the impression that the parties don't use those talks to search for common ground, but to reaffirm divergent positions and division lines. It is Clausewitz in reverse: *the prolongation of war by the means of politics*.

The building of trust across the division lines is a question of political convenience at the top. At the grassroots it is a matter of economical survival. In order to regain access to vital resources and benefit from trade people have a vested interest to overcome the state of war and the division lines created by it. It is therefore no surprise that the willingness to turn the page and move ahead is strongest at the grassroots. People frequently cross the line to visit family members or market places. Family links and trade relations have helped to reactivate the cross-border contacts.

The reencounter of Nuba tribes at the grassroots occurred without problems. The relationship between the Nuba and the Arab Baggara and Shanabla tribes is more complex and has strong local connotations. Some Nuba communities have reassumed their trade with nomad tribes, while others maintain a distant relationship. In border areas the freedom of movement has led to *new frictions over the use of forest resources and grazing lands*. In general terms the war has caused a lot of damage to the relationship between Nuba and Arab tribes, once characterised by a long tradition of inter-ethnic co-existence⁵. But links created through intermarriage and symbiotic trade relations as well as a *shared history of marginalisation* seem to provide enough common ground for a solid reconciliation process⁶. Leaders of the Baggara and the SPLM have already met for talks in Nairobi. There is a project for a big Nuba-Baggara conference in November 2003 in Kauda.

The building of confidence at the grassroots is fostered by "*Interfaction Meetings*" hold on a monthly base between neighbouring communities, which have been separated by war. Reunions to regulate the common use of resources and solve disputes among neighbours were common before the war. After years of interruption the *international monitors have reactivated those traditional dispute resolution mechanisms*. The JMC provides logistical support but doesn't play an active role in the meetings unless the parties request the monitors for advice or arbitration. In some regions the reunions are now organised without any involvement of the observer mission. Cross-border meetings have settled a range of local disputes; defined ways to share scarce resources and contributed to a smooth reencounter between communities at the grassroots.

⁵ El Bashir Ibrahim, Hamid (undated manuscript), *In Search of the Lost Wisdom. War and Peace in the Nuba Mountains, Sudan: Grass Root Perspectives on Peace Building. Processes and Strategies*, Khartoum

⁶ Interview with Abdul Aziz Adam el Hilu, Head of SPLM Nuba Mountains, Kauda 1.06.03

2.3. Political Situation

The silence of weapons permits a cautious comeback of politics. Opposition groups use the calm to develop a common vision for the political future of the Nuba Mountains. The SPLM has hosted a series of gatherings, seminars and conferences. The most important events were the *All Nuba Conference* in November 2002 and the *Nuba Women Conference* in June 2003. Both venues were attended by hundreds of Nuba leaders from all over Sudan and abroad. Representatives from a number of factions acknowledged the need to speak with one voice in the peace process. During the All Nuba Conference four Nuba parties merged on a platform of political self-determination into the *United Sudanese National Party*.

GoS authorities perceive any articulation of Nuba-consciousness as a threat. Political reunions and party activities are prohibited. A priest in Kadugli wearing a T-shirt promoting „Nuba Self-Determination“ was arrested. In June 2003 security forces in Khartoum preventively arrested a group of ladies who wanted to attend the Nuba Women Conference. The examples document that the government still engages in acts of repression, although the general atmosphere has changed. *There is definitely less abuse of power and less fear in the streets*. People dare to discuss politics and express their opinion in public. The once omnipresent police and security services have not disappeared but act under the watching eye of the JMC with more precaution and restraint. In Shatt al Damam, a government village 25 km south of Kadugli, villagers acknowledge that the behaviour of government appointed tribal chiefs has improved and the once frequent abuses have almost ceased. In Kadugli extended opening hours of stores and lively street activity after sunset are clear signs of a more relaxed atmosphere.

Changes at the level of the local government have contributed to the new political climate. In December 2002 the Governor of South Kordofan and some higher officials of northern origin were replaced by Nubas loyal to the National Islamic Front. Somi Zeidan, the new Wali (Governor) is member of the Miri tribe. He is an expert in Sharia law and was a judge at the High Court in Khartoum. He shows a cooperative attitude towards the JMC and is actively engaged to ease tensions between the Nuba and Baggara by defining corridors and off limit areas for nomad tribes.

2.4. Military and Human Security

The cessation of hostilities and the withdrawal of troops to defensive positions were among the main objectives of the JMC. They have been achieved. *No fighting has occurred since the signature of the cease-fire in January 2002* and no serious violations of the cease-fire have been registered, except the mine-explosion in June 2002 that killed six people on a tractor in the SPLM area. The most frequent violations are the harassment of civilians on GoS side and limitations to free movement on SPLM side. The number of registered cease-fire violations is relatively low⁷. The leaders of both sides have repeatedly expressed their willingness to respect the cease-fire.

⁷ Of the close to 300 complaints registered until June 2003 roughly a third was substantiated, the rest were police issues. Both parties have committed a similar amount of registered cease-fire violations.

The remaining military challenges are the withdrawal to consolidated positions and the disarmament of civilians. While the first phase of withdrawal (to defensive positions) was carried out swiftly and with little delay, the second phase has not even started. The *final withdrawal* is more a political than a military topic and essentially linked to the control over territory. *The SPLM is afraid getting locked into a tiny territory* and losing control over areas conquered during the war. The GoS hasn't a vivid interest to raise the issue, because it would require removing heavy weaponry and vacating strategic positions of the army. The withdrawal to consolidated positions is further complicated by the fact that the exact shape of the boundaries signed at Bürgenstock is a matter of dispute – a problem rooted in the inaccuracy of the “Bürgenstock map”. At present both sides hold positions beyond the demarcation lines as they appear on the map. The disputed areas are however small and the political consequences of the map-dispute limited.

Crucial for the consolidation of the Nuba cease-fire is the *disarmament of civilians* on the GoS side. Most of the weapons distributed to loyal villagers and Arab tribes organised into the “*Popular Defence Forces*” (PDF) are still in circulation. They are a source of tension in border areas where armed nomads occasionally clash with SPLM soldiers or farmers over the right to use land or forest resources. JMC members have repeatedly discussed the issue with nomad leaders, who claim that the weapons are used for purely protective reasons in times of insecurity. Armed nomads in turn provide an argument for the SPLM not to collect the weapons of their soldiers when they leave the perimeter of the garrison, as required by the JMC. GoS authorities don't consider the disarmament of civilians a priority. They agreed however to start registering the weapons and promised to conclude the disarmament process by end of 2004. A measure to win time? The JMC argues that the collection of weapons to enhance public security could and should be concluded much earlier.

Further matters of dispute are the *oversized police units*. In areas where the army had to vacate garrisons, large police units are deployed. Heiban, a village with approximately 2000 inhabitants has now 81 policemen on active duty. SPLM leaders argue that the presence of large contingents of state officials in the demilitarised zones is against the spirit of the Bürgenstock agreement. The inflated police units are, in their view, hindering the return of peasants to farms and market places in the plains. Evidence collected in the interviews doesn't support that argument. None of the peasants interviewed in SPLM areas feel threatened or limited in their movements by the presence of GoS police.

2.5. Economical Situation

The cease-fire has reactivated trade and production in the Nub Mountains. There are however local differences. The administrative centres of Kadugli and Kauda, where most NGOs and skilled returnees have settled, enjoy more economic benefits of the cease-fire than border areas like Heiban or Eyre, where the social and infrastructural investment is low and the rehabilitation process stagnating.

In general terms there are *more markets and richer markets* than a year ago. The positive impact of trade is most visible in the SPLM areas, where bakeries and stores

have multiplied and the range of available goods substantially increased. While the war economy was based on the exchange of goods, money is starting to circulate with the influx of returnees from Khartoum and abroad. Returnees have opened a number of stores and introduced new products and services. Kadugli saw the opening of four little computer shops offering word-processing facilities! But also the local production has diversified. Responding to the need to sit back and recover from years of hardship carpenters have started to manufacture comfortable armchairs and sofas, which find a ready market.

The *agricultural production has augmented* in the first harvest after the cease-fire (2002). Despite little rain many peasants managed to produce a surplus. The Kauda based NGO *Concern* was able to purchase 22 metric tons of seeds from local farmers for a seed bank project. The peasants' confidence in the cease-fire was weak during the first mandate, but substantially increased with the second and third period. *Migration has grown accordingly*. There are two types of movements: people return from the cities in the north to the Nuba Mountains and people move within the region from stony hills to the fertile plains. The Sudanese Red Crescent registered for the government controlled areas of Kadugli County, the largest district, by mid June 46'874 returnees. The food security branch of the SPLM works with an estimate of close to 50'000 returnees in its areas. Together with all the non-registered returnees there are over 100'000 new arrivals, which represent a population increase of approximately 10%.

Returnees don't receive any official support at their arrival. They are fully dependent on the solidarity of their wider family and community, which share their food stocks with the newly arrived. The influx of large numbers of returnees has in some areas caused temporary shortages of food, but in general the residents manage to absorb the returnees without major problems. There is *enough productive land* available for everybody. When asked why they returned from large cities to their remote villages, returnees say that they are missing their land and native community. Some mention that they felt marginalised and had a hard time to earn a decent living in Khartoum.

The influx of returnees increases the agricultural production and stimulates trade. The free movement of persons and goods is crucial for the economical reactivation. Restrictions still occur, but they are rather selective and don't affect trade. Security is another important factor. Crime is low and the roads are considerably safe. The *danger of landmines* is still not removed, although the US company Ronco and Danish Church Aid, an NGO building local demining capacity, have cleared⁸ over 240'000 m2. Mine-free roads are now connecting SPLM and GoS territories. Thanks to these „*humanitarian highways*“ seeds and working tools reach the beneficiaries for a fraction of the cost of aid drops by air.

The food security in the SPLM territories has improved due to increased local production and generous food aid by the World Food Programme. Telling is the fact that the WFP sponsored „Food for Work“-program is now facing difficulties to recruit local labour for the improvement of roads and the airfield in Kauda. Also the communities on the GoS side benefit from the distribution of humanitarian aid.

⁸The figures were provided by UNMAS (UN Mine Action Programme in Sudan) office in Tillo; situation of May 2003

The Nuba Mountains are in the first phase of a rehabilitation process. The stable environment has attracted a number of national and international NGOs, which are developing programs in the domain of health, education, water and agriculture. Authorities on both sides have engaged in small projects to improve the local infrastructure. The backlog after years of war is still big and many basic needs remain unaddressed. Experienced aid workers admit however that *in aid terms the Nuba Mountains are presently better off* than many areas in the south and west of Sudan.

2.6. The JMC in People's Perception

Two aspects merit consideration: the JMC is widely known and has a lot of goodwill among the population on both sides. But few people have a precise idea of JMC's mandate and the exact terms of the cease-fire agreement.

The popular sentiment, as the case of Iraq demonstrates, can change rapidly and sometimes radically. It did not in any manifest way in the Nuba Mountains. On its arrival in April 2002 the JMC was received by the grassroots with enthusiasm. After eighteen months *the cease-fire monitors still enjoy a lot of goodwill*. The JMC is a guarantor for security for a population with war fatigue. Its sheer presence in the field has limited the once systematic human rights violations by government authorities. One interviewee compared the JMC with a breeze of fresh air.

Although the verification mission is widely known and every kid spells the three letters in the streets, there are few people who have a clear idea of objectives and mandate of the JMC. Why? We can think in two reasons: on the one hand, there is little JMC information (news updates!) made available for the local population. On the other hand, the wide range of activities makes it difficult to recognise JMC's core mandate: is the JMC a peace-mediator? A development agency? An aid-donor? A cease-fire monitor? Nobody knows for sure. *JMC's profile is blurred*, even in the eyes of educated people.

People may ignore what JMC does, but they know what it prevents: the relapse into war. Most people are aware that the *present calm is not self-supporting*. They fear that the cease-fire would collapse if the JMC would leave the Nuba Mountains. People explain the fragility of the cease-fire with the lack of trust at the top level and the fact that the root causes of the conflict are still there.

Some interviewees in Kadugli perceive the JMC as too distant from the grassroots. The contact with international monitors in the barbed wire enclosed Tillo headquarters is, in their view, not easy to establish. A shopkeeper proposes to open a JMC liaison office in the Kadugli market to facilitate the dialogue between the monitors and the local population. Others suggest to periodically holding public information sessions with news updates.

People generally attest the monitors a neutral attitude. The belief in JMC's impartiality is however firmer on GoS side. While SPLM grassroots consider the JMC a neutral arbiter and estimate the work of the monitors in the field, *SPLM leaders are rather critical in their judgement*. The latter recall cases where, in their view, the

principle of neutrality wasn't fully respected or a complaint not properly investigated. Some refer to the mine incident that killed six SPLM members or to aggressions by armed nomads, which were not classified as cease-fire violations. Others mention the fact that the JMC headquarters are not located on neutral ground. None of the interviewed SPLM members accuses the JMC of systematic non-impartiality. They share however the impression that the JMC does not follow up their complaints with the same attention as complaints from GoS side.

3. Performance of the JMC

3.1. Structure and Objectives

In the previous chapter we have summarised the impact of the cease-fire. In this section we are going to focus on the performance of the international verification team. We examine the development of activities and look at some structural problems of the mission.

The JMC is the first international verification mission in Sudan. The cease-fire is a test not only for the parties but also for the international community, which is gradually expanding its engagement in the Sudanese peace process. International verification was a demand of the SPLM, which raised doubts whether the GoS side would stick to the cease-fire agreement. To overcome distrust after fifteen years of vicious war, the mediators worked out the agreement along the principles of *transparency, inclusiveness and international verification*⁹. An organism was created to embody those principles and implement the cease-fire on behalf of the international community: the *Joint Military Commission* (JMC). The JMC is based on a participatory concept: international monitors and an equal number of representatives from the SPLM and the Government of Sudan form mixed reporting teams, which shall institutionalise dispute resolution and the confidence-building process.

The broader objectives of the Nuba cease-fire are defined in Article I: „*The Parties agree to an internationally monitored cease-fire among all their forces in the Nuba Mountains for a renewable period of six months with the broader objectives of promoting a just, peaceful and comprehensive settlement of the conflict.*“¹⁰ Initially the plan was to upgrade the cease-fire in a second phase of negotiations into a local peace agreement. The idea had never enjoyed much support from the parties and was abandoned in July 2002 after the signature of the framework agreement between the Government of Sudan and the SPLM in Machakos. There was no sense to push for local arrangements and create a parallel venue to the progressing IGAD peace talks, where the Nuba Mountains and other contested areas were added to the agenda. The process defining the political future of the Nuba Mountains was now formally disconnected from the Nuba cease-fire. The spirit of article I however continued to inspire the activities of the JMC¹¹.

⁹ Interview with Julian Hottinger, co-drafter of the Nuba cease-fire agreement, Lausanne, 1. July 2003

¹⁰ Article I, Nuba Mountains Cease-Fire Agreement, 19 January 2002, Bürgenstock/Switzerland

¹¹ Brigadier General Jan-Erik Wilhelmssen, JMC Head of Mission, confirmed that the principle to develop the cease-fire into a comprehensive peace settlement has been guiding to him (Interview with the author, Kadugli, 13 June 03).

The Joint Military Commission is a military-civilian organisation staffed and resourced by an informal group of nations: *the Friends of Nuba*¹². The ambassadors of the friends-group meet under the chairmanship of the British representative on monthly basis in Khartoum with the objective to provide political support to the mission. There are no formal terms of reference other than a letter of understanding agreed in May 2002. The responsibility for the conduct of the mission lies with JMC's military leadership in the field. Head of Mission is since April 2002 the Norwegian Brigadier General Jan-Erik Wilhelmsen. Two officers, the Chief of Staff and the Chief of Operations, assist him. The three officers represent the international community in the Chairman's Meeting held weekly with three representatives of the SPLM and the GoS. The JMC has a total of 40 expatriate staff and 34 local monitors. Most of the expatriates have a military or police background. They work as monitors in the field or have supporting functions at the headquarters. All JMC monitors are *unarmed* and exercise their duties as *civilians*.

Annex C of the cease-fire agreement¹³ defines three main functions. The JMC shall:

- *Assist the parties in implementing the cease-fire agreement*
- *Serve as a dispute resolution mechanism*
- *Assist in confidence building*

The objectives shall be achieved based on the following principles¹⁴:

- a) *Resolve all problems and disputes at the lowest level possible*
- b) *Maintain flexibility to ensure that promises can be delivered*
- c) *Promote joint problem solving and build trust and confidence through inclusive agenda setting*
- d) *Build on lessons learned in the process*

Annex C is a good indicator of the spirit of the Bürgenstock-agreement: inclusiveness, joint problem solving and confidence building are crucial elements of the accord. The function "*to serve as a dispute resolution mechanism*" clearly indicates that the JMC is meant to be more than a passive observer of the cease-fire. The agreement suggests two core objectives: first, the JMC has to implement the cease-fire and stabilise *negative peace*. Second, the JMC shall engage in active dispute solving and prepare the ground for *positive peace*.

Among the principles it is worth highlighting point a): "*disputes shall be solved at the lowest possible level*". Cease-fire monitors shall act as mediators and tackle the problems where they appear: in the field and with the people directly affected. If disputes cannot be solved in the field they shall be raised to the "higher instance" of the Chairman's Meeting. By advocating a bottom-up approach to conflict resolution the Nuba cease-fire is proposing an interesting alternative to UN peacekeeping, which is often criticised for the exclusive focus on the leadership and the neglect of the grassroots.

The Nuba cease-fire agreement contains promising concepts in line with the conflict resolution approach of contemporary peacekeeping theory. But it leaves much space

¹² The "*Friends of Nuba*" group is comprised by Canada, Denmark, France, Germany, the Netherlands, Norway, Italy, Sweden, Switzerland, United Kingdom and the USA

¹³ Annex C, page 5 of the Nuba Mountains Cease Fire Agreement

¹⁴ *ibid*

for interpretation. The broader objectives formulated in Article I and the principles in Annex C („to maintain flexibility“ and „build on lessons learned“) allow a pragmatic reading of the agreement and open the door for varying interpretations. They suggest a strategy tailored to the changing needs of the field and give a lot of leeway to the Head of Mission in the choice of priorities. The implications of this strategy are discussed under 3.4. and 3.5.

3.2. Hard Start

The rapid break-through of the Bürgenstock-talks took the international community by surprise. No pre-arrangements for the implementation of the cease-fire were made at that point. The preparations started late and were done in haste. The mediators feared the premature collapse of the cease-fire if the verification team should arrive late to the mission area: *rapid deployment was therefore given the priority over thorough planning*. It took however ten weeks until the first monitors put their feet on the ground. At their arrival in the Nuba Mountains in early April 2002 not even the most essential infrastructure was put in place. The mission had literally to start from scratch. The need to improvise on the ground due to a lack of planning, logistical support and strategic guidance was to become a constant feature of the first mandate period.

The plan was to operate with one main and five sector headquarters, which had to be installed, staffed and resourced within weeks in remote areas, some of which could be reached only by air: an ambitious endeavour! The enterprise contracted by the US State Department to provide the logistics underestimated the scope of the challenge. It arrived late and with few skilled staff. An additional problem resulted from the commercial nature of the firm: its interest to maintain the costs low (and the benefits high!) conflicted with the quality requirements of the mission. *The high ambitions and low logistics didn't go well together* and created tensions within the mission. Monitors found it humiliating to beg for support and strongly depend on the economy driven policy choices of the service provider. The support improved towards the end of the first mandate and reached a satisfactory level during the second mandate.

3.3. Difficult Relationship: the JMC and the Humanitarian Community

The JMC is not alone in the Nuba Mountains. The UN and several NGOs have visited the region for several years and accumulated a lot of information. In order to respond to the humanitarian challenges of the cease-fire the UN agencies had worked out a novel framework with the objective to integrate conflict resolution techniques and reconciliation dimensions into traditional rehabilitation projects¹⁵. The idea was fully compatible with the aims of the JMC. Despite common goals and the need to share logistical assets the relationship between the JMC and the humanitarian community was initially rather tense. There was basic coordination on

¹⁵ Multi-agency Nuba Mountains Programme Advancing Conflict Transformation (NMPACT). The strategic goals of NMPACT are: *To enhance the Nuba people's capacity for self reliance within a sustained process of conflict transformation guided by the aspirations, priorities and analyses of the Nuba people themselves*". (NMPACT programme framework document, March 2002)

logistical matters but *no real dialogue* between the two. In a letter dated from 10 July 2002 a group of Nairobi based NGOs criticised the JMC for what it perceived as a lack of an even-handed cease-fire monitoring, a lack of sensitivity for the cultural context and the refusal to engage in a meaningful dialogue with the NGO community. The harsh tone of the letter suggests that the relations between the NGOs and the JMC were not simply strained by a simple difference of opinion. There was a clash of two *antagonistic perspectives* and interpretations of the cease-fire. The main elements of this apparent antagonism are:

- *Military versus civilian culture*: Most international monitors have a military background. Their working methods are accordingly shaped by military values. Aid workers are civilians and look at problems through a civilian lens.
- *Impartial outsiders versus partial insiders*: The international monitors are outsiders parachuted in an area on which they have little background knowledge. But their relative distance to local people and traditions tends to underscore their impartiality. Aid workers, on the contrary, have often a solid understanding of the cultural and social environment. But they care little about impartiality and tend to sympathise and identify with the people they work with.
- *Speed versus sustainability*: The international monitors come for a short period, are equipped with large resources and want to achieve rapid results. Aid workers are operating with a more extended time-horizon. They focus on the sustainability of the process rather than on the rapid achievement of results.
- *Nairobi versus Khartoum*: Most international humanitarian agencies operate through Nairobi, while the JMC's logistical chain passes through Khartoum. In a highly politicised context the physical location of the headquarters seems to affect the way things are perceived and prejudices are formed.

The relationship between the JMC and the humanitarian community was not doomed to failure from the beginning. But due to the methodical and ideological differences a smooth relationship would have required a special effort and JMC staff experienced in humanitarian affairs. The marine officer based in Nairobi for liaison purposes was possibly not an ideal choice to overcome existing prejudices and establish a meaningful dialogue with the humanitarian community.

The relationship to the NGOs working on GoS side is better. But also here the JMC has, at times, caused certain *irritation due to a lack of consultation with local stakeholders* and the parallel engagement in the seemingly incompatible roles of aid coordinator, aid donor and project manager. In general terms the JMC has proved to be a self-confident and efficient soloist, but doesn't deserve best notes as team player. Its working style is characterised by a will to rapid execution. Lengthy consultations are cut short and formal procedures neglected. The area of competence is sometimes overstepped. A local NGO-coordinator compared the JMC with a *bulldozer*, which tends to run over smaller actors and injure local sensitivities. But its straightforward and muscular style has also positive sides, as the local manager of a

UN-agency in Kadugli admits: “*The JMC pushed us, but we needed that. If not we would still stand at square one*”¹⁶.

3.4. Mission Creep?

At the end of the first mandate in July 2002 the disengagement of troops was by and large concluded and the major military tasks fulfilled. Civilian issues were now gaining importance. Daily field patrols confronted the monitors with grassroots needs, problems and requests of all kind. In good faith the JMC tried to respond to those needs and *got involved in activities, for which it had in fact no clear mandate and not always the necessary skills*: a police unit was set up to promote police co-operation between the sides; roads were built to facilitate the distribution of humanitarian aid; small rehabilitation projects (schools, water-pumps) were planned, financed and executed; logistical support was provided for civil society events in Kauda; interfaction meetings were organised to promote dispute solving at the grassroots - the variety of JMC activities is surprisingly wide. Mission creep? The term has a negative connotation. Beyond doubt many people have benefited from the expanding radius of JMC activities. Many problems were solved, but also new ones created. An overview:

- *GoS authorities felt sidelined* and sent a letter of protest when they learned that the JMC had built schools and drilled water holes without the consent of the relevant ministries.
- *NGOs were irritated* by the diverse and apparently incompatible functions by which the JMC approached them at times: as humanitarian coordinator, aid donor and project manager.
- *The SPLM criticised* that the JMC was engaging in many activities beyond its mandate, while it was neglecting its core mission, the monitoring job.
- *JMC's institutional profile got blurred*. People don't know for what “JMC” exactly stands. Locals address the JMC for any problem that lacks solution. The JMC is credited for all the benefits of the cease-fire. But it might be also held responsible for all the problems people could experience, if the situation should deteriorate.

The expansion of the mandate was not planned. It happened as a *natural process* driven by people's needs and the willingness of the JMC to respond to those needs and contribute to a rapid normalisation. The inefficiency of local institutions and the slowness of NGO response contributed to that dynamic. In the end the JMC got drawn into a number of civilian tasks for which it lacked proper expertise. This development is not uncommon for peacekeeping operations, as David Last¹⁷ has observed: “*Military peacekeeping deployments quickly reach small communities, but lack key peacebuilding skills, particularly those involving language, culture and peacebuilding. NGOs that have the core skills on the other hand, often lack the*

¹⁶ Interview with Dr. Mohammed Ibrahim, UNICEF-coordinator, Kadugli,

¹⁷ Last, David, (2000), Organizing for effective peacebuilding, in: Woodhouse, Tom & Ramsbotham, Oliver, *Peacekeeping and Conflict Resolution*, London, pp. 82

means to deploy or sustain themselves in the small communities where they are most needed'.

The JMC is in a privileged position. Like no other actor it has full access to the field, can detect the problems on the spot and has the means to respond to them. There is nothing to be said against the proactive attitude of the JMC, which is in line with the ambitious spirit of the cease-fire agreement. Problematic is, in our view, not the expansion of the mandate itself, but the way, how it was done. Two considerations: First, *the JMC did not properly plan, coordinate and explain its expanding agenda*. Other agencies were hardly consulted. With better consultation and communication a series of frictions can be avoided. This will not substantially slow down JMC's actions, but increase their sustainability. Second, *the organisational structure of the JMC did not evolve and adapt to the new challenges*. Although the JMC has started to tackle many civilian issues with complex political implications, there was, with exception of the police unit, no upgrading of civilian expertise in the field. Civilians are underrepresented also at the top level. The decision-making process remains the exclusive domain of the military leadership. The political advisor and other civilian experts play only a marginal role in that process.

3.5. Peacebuilding Without Peace

Many activities aim to normalise the relations between the parties. This "*preparing for peace-agenda*" derived from Article I is well intended and generating benefits for the local population. Politically, however, the approach is problematic, because it *tends to favour the strategic interests of the GoS*. The normalisation process supported by the JMC goes along with the objective of the local authorities to rapidly integrate and absorb the territories lost to the SPLM. But it runs counter to the aims of the SPLM. The armed opposition has signed the cease-fire to get a humanitarian break, but not to start a full-fledged reconciliation process: "*we have agreed to temporarily cease hostilities, but technically we are still at war*"¹⁸.

The SPLM has engaged in the armed struggle to reach a political goal. This political objective is not yet attained: the cease-fire agreement contains no provisions addressing the root causes of the conflict. The SPLM cannot therefore normalise the relationship with the GoS and give up but temporarily the armed struggle, which is its only means of pressure. If the SPLM would fully support the normalisation process it would inevitably lose leverage at the negotiation table. It would also endanger its political identity as rebel movement, because "*rebel groups have no reason to exist outside the conflict. Their function is to rebel*"¹⁹, as Zartman well put it. A peacebuilding agenda without peace is, on the middle and long term, a threat to the SPLM. Some limited degree of cooperation is however possible on the short term and perfectly in accordance with Kauda's strategic goals, as long there is hope that the Machakos-talks lead to a comprehensive settlement.

The transition process from war to a still undefined future is destabilising the SPLM from the outside as well as from within. Returnees demand schools, health facilities

¹⁸ Abdul Aziz Adam el Hilu, Head of SPLM Nuba Mountains, in an interview with the author, Kauda 1 June 2003

¹⁹ Zartman, William (ed), (1995), *Evasive peace: negotiating an end to civil wars*, Washington, p.9

and job opportunities. Due to scarce financial resources and little administrative experience the SPLM is not able to respond to all those demands, which make the structural weakness of the Movement all too obvious. In reaction to internal and external pressures *the SPLM must constantly reaffirm its identity as an opposition force*. This is not always done in a constructive manner. Two examples: in July 2002 an extraordinary vaccination campaign to stop a deadly measles epidemic on SPLM territory was delayed for several days causing the death of a number of children, because the SPLM was for image reasons not willing to issue a travel permit for a medical team from Khartoum. In other occasions the delivery of humanitarian aid was blocked, because the drivers of the UN convoys were Northerners and therefore automatically suspected to spy for the government.

Incidents as those described above have strained the relationship between the JMC and the SPLM. Relations are further stressed by the fact that *the JMC's main headquarters are situated on government territory*, at the outskirts of the provincial capital Kadugli, which has the best infrastructure in the area. The SPLM doesn't accept the argument that the choice was made for logistical reasons and insists on a neutral location. The dispute is almost as old as the mission itself and a solution not at sight. The JMC is endeavoured to be an impartial arbiter and holds the weekly Chairman's Meeting often in neutral zones. But those gestures do not convince the SPLM of JMC's impartiality. A critical observer may find some point in the argument that the JMC has developed by sheer proximity to Kadugli more frequent contacts and hence a better knowledge and understanding of GoS's viewpoints. And, in terms of attitude rather than political orientation, there seems to be more common ground between the JMC leadership and the structured world of the GoS army, than between the JMC and the defiant rebels.

4. Conclusion

The Nuba cease-fire has generated a positive change of impressive dimensions. Hostilities have ceased, the freedom of movement is largely respected and the life has improved in many ways. The JMC has a lot of local support and is recognized as an indispensable security factor. However, the *success of the cease-fire* cannot be credited to the JMC alone. It is resulting from the *interplay of various factors*. Crucial is the *parties' commitment* to respect the agreement signed at Birgenstock. Both sides can draw substantial benefits from it: the SPLM is able to recover from the hardship of war and build up a basic infrastructure, while the Government has contained a military problem and can reallocate its resources to other trouble spots.

Two additional factors grant for relative stability in the Nuba Mountains: First, *the cease-fire is not just a local issue*. There are stakeholders at the national and international level with an interest to maintain stability. The Nuba Mountains are connected to the Machakos process that raises hope for a comprehensive settlement of the conflict in Sudan. While the discussions in Machakos are ongoing neither side wants to be blamed for disrupting the talks by an unconsidered military adventure in the Nuba Mountains. The parties are aware that the stakes are high, because the Nuba cease-fire is a test case for the prospects of peace in Sudan. Second, *there is no deep-rooted hatred at the grassroots*. The conflict in the Nuba Mountains was not a real civil war. It was a confrontation between armies rather than between

communities. The once symbiotic trade-relations between African and Arab tribes were manipulated by Khartoum, which played up ethnic and religious differences in order to contain the advance of the SPLM. Despite the disruption created by war there is enough common ground as well as an economical need for the communities to rebuild their relationship and normalise cross-border contacts.

The positive environment stabilises the Nuba cease-fire. But it does not substitute for the presence of a third party. The JMC is a guarantor for security. It has implemented a smooth disengagement of troops and facilitated the reconciliation process at the grassroots. The inclusive and transparent monitoring model has helped to ease tensions and rebuild basic confidence between the parties. It confirms that *peacekeeping can only benefit from the mobilisation of local resources*. The need to promote consent and engage the local population turns the very vulnerability of unarmed peacekeeping into strength. There are however limits to conflict resolution approaches in the field. The JMC's endeavour to build peace in absence of a peace agreement tends to favour the GoS position, aiming to neutralise a military threat without conceding any political ground.

We acknowledge that the JMC has many of the *typical virtues and vices of an ad hoc organisation*. It is flexible in operational terms; it has a manageable size and runs with a minimum of bureaucracy. On the other hand it suffers under a lack of strategic planning, lives in a state of permanent improvisation, is at times understaffed and underresourced (mainly in the civilian domain) and does not sufficiently communicate and coordinate with other actors. The absence of an administrative headquarter able to support, guide and supervise the operation is felt as a clear disadvantage.

Is the Nuba cease-fire a *model for peacekeeping in Sudan*, as some people suggest²⁰? The Sudanese conflict is a mosaic of interlocking civil wars with some overarching patterns but many local particularities. It seems therefore difficult to transfer a cease-fire model specifically tailored for the Nuba Mountains to another conflict zone with a different social, political and ethnic shape. There are however single elements of the cease-fire implementation that worked well in the Nuba Mountains and merit to be considered for adaptation to other contexts. One of them is *the participatory monitoring mechanism* with mixed observer teams that facilitate the building of trust. Another is *the bottom-up approach to conflict resolution* and the reactivation of traditional dispute resolution mechanisms (*Interfaction meetings!*). This refers to methods. With regard to structure the Nuba experience documents the organisational and political limits of multinational ad hoc operations. At present only the UN has the planning capacities, the experience and the financial and human resources to run a mission covering such a large area as the entire conflict zone in Sudan.

²⁰General Sumbeiywo, chief negotiator of the IGAD peace process in Kenya, stated in an interview: *"I think the JMC should, with its gathered experience, form the nucleus of a peace monitoring and peace building mission for the whole of Southern Sudan. But such an operation would most likely need the support from the UN itself – as it will cover a much larger area and therefore be very expensive"*. JMC media release, Kadugli, 8. June 2003

5. Recommendations:

The considerable achievements should not blind us for the shortcomings of the international verification mission. To improve the sustainability of peacekeeping in the Nuba Mountains we suggest considering the following points:

- *Enhance the dialogue between the strategic and operational level:* The lack of common analysis of the cease-fire agreement (see 3.4 and 3.5) has been a constant source of frictions between the JMC and the parties. At the root of the problem is the insufficient level of dialogue between the strategic (political/diplomatic) and operational level (JMC in the field). In fact many strategic decisions were drawn down to the operational level. The independent decision making of the field reflects, in part, the eagerness of the military leadership to play a proactive role in the peace process. At the same time it is a reaction of the field to the limited support provided by the political level. The *Friends of Nuba* are too fragmented in their national interests and at the same time too detached from the field to exercise effective leadership. In the end the process with important political implications is steered by non-politicians in the field. To improve the operational coherence the dialogue between the field and the political level must be enhanced.
- *Create an administrative headquarter:* The independent decision-making in the field is partly due to the lack of an administrative headquarter able to ensure a constant level of support, guidance and supervision of the mission. A common administrative structure would facilitate coordination among the *Friends of Nuba* and create a permanent link between the strategic (political/diplomatic) and the operational level (field). A small headquarter run by few experts would allow for better planning and higher cost-efficiency of the operation.
- *Upgrade civilian expertise:* After fulfilment of the main military tasks (disengagement), the JMC increasingly engaged in civilian duties with complex legal, political and humanitarian dimensions. To adequately tackle these non-military tasks the mission requires more civilian expertise and political guidance. The political advisor and other civilian experts should be stronger involved in the decision making process. A specialist in Sudanese law should occupy the orphaned post of the legal advisor.
- *Strengthen the cooperation between the JMC and humanitarian actors:* A smooth cooperation between the JMC and civilian actors (NGOs and UN agencies) is vital to consolidate the support for the cease-fire at the grassroots. The dialogue should take place in an institutionalised framework, which defines the principles and methods of inter-agency cooperation and grants for a common analysis of the cease-fire. A civilian with humanitarian background should occupy the post of the JMC liaison officer in Nairobi.
- *Improve communication:* To clear misunderstandings and dispel doubts about the mandate and methods of the JMC, the mission needs an effective communication strategy. The JMC must keep the stakeholders at all times

updated about its plans and activities. To deepen the understanding and support for the mission the JMC should provide the local population with periodical news bulletins and information sessions.

- *Rebuild the relationship with the SPLM:* Under more explosive political circumstances the uneasy relationship between the JMC and the SPLM could well provoke the collapse of the cease-fire. Rebuilding the relationship with the SPLM must therefore be a priority. The JMC must take into account the particular needs, fears and limits of the SPLM. It should not insist on measures, which are beyond the effective capacity or endanger the identity of the rebel movement. In the first place the JMC should be aware of the fact that – in absence of a peace agreement – a full normalisation of the SPLM-GoS relations is undermining the political leverage of the SPLM.

Thomas Jenatsch

Berne, 3 October 2003

Annex:

List of interviewees:

This is a non-exhaustive list of personalities interviewed during my field research. It does not include JMC members, except the Head of Mission.

Abdul Aziz Adam el Hilu, Head of SPLM Nuba Mountains, Kauda, 1.06.03

Adam Kuko, Lt.Col, SPLM NM, Kauda, 4.06.03

Ali Hassan Khalifa, GoS officer, JMC Chairman group, Kadugli, 6.06.03

Alfred Taban, Editor Khartoum Monitor, Khartoum, 26.05.03

Aris Fakar Ali, Head of Miri Tribe, Kadugli, 14.06.03

Boutros Johanna Komi, Chief of Police SPLM, Kauda, 6.06.03

Captain Jagood, Head of SPLM (Western Hills), Julud, 16.06.03

Chief of Police, Heiban, 5.06.03

Father Abraham, Catholic priest, Kauda, 5.06.03

Ferdinand von Habsburg, UNOCHA Coordinator, Nairobi, 24.06.03

Jan-Erik Wilhelmsen, JMC Head of Mission, Kadugli, 13.06.03

Jason Matus, consultant USAID, Nairobi, 20.06.03

Julian Hottinger, Co-drafter of Nuba cease-fire agreement, Lausanne, 1.07.03

Miriam Johanna, Head of SPLM women association, Kauda, 4.06.03

Mohammed Ibrahim, Head of UNICEF-branch, Kadugli, 18.06.03

Moussa Abdelbagi, Co-founder of the SPLA Nuba Mountains, Kauda, 2.06.03

Ibrahim Mekki, Head of Save the Children-branch, Kadugli, 17.06.03

Kuku el Mudir Kafi, Head of village, Shaat Al Damam, 15.06.03

Ric Girdlestone, Deputy Head of UK Embassy, Khartoum, 26.05.03

Ted Maly, Programme officer USAID, Nairobi, 24.06.03

Somi Zeidan, Governor of Southern Kordofan, Kadugli, 10.06.03

SPLM Women association, Kauda, 2.06.03

GoS Women association, Kadugli, 12.06.03

Written inputs were provided by:

Josef Bucher, Mediator of the Bürgenstock-Agreement, Berne

William Patey, UK Ambassador in Khartoum and Chairman of the Friends of Nuba