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## International Engagement in Sudan after the CPA

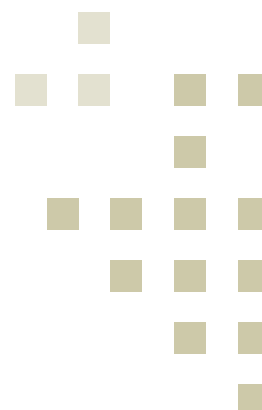
Report on the piloting of OECD/DAC's 'Principles for Good International Engagement in Fragile States' for the Case of Sudan

Anita Haslie and Axel Borchgrevink

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Norwegian Institute  
of International  
Affairs

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Besøksadresse: C.J. Hambros plass 2d  
Adresse: Postboks 8159 Dep.  
0033 Oslo  
Internett: [www.nupi.no](http://www.nupi.no)  
E-post: [pub@nupi.no](mailto:pub@nupi.no)  
Fax: [+ 47] 22 36 21 82  
Tel: [+ 47] 22 99 40 00

# International Engagement in Sudan after the CPA

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**Anita Haslie  
Axel Borchgrevink**

**January 2007**

**Norwegian Institute of International Affairs  
NUPI**

**[Abstract]** The report analyses the international engagement in Sudan since the Comprehensive Peace Agreement (CPA) in relation to the Principles for Good International Engagement in Fragile States and Situations, which the OECD/DAC is currently developing. The report concludes that donor coordination has been quite advanced in Sudan, with a number of innovative mechanisms tried out. Furthermore, there has been a concerted effort towards contributing to the building of the South Sudan state. This effort, however, has focused on building institutions from the top down in Juba, without a complementary emphasis on building legitimacy and the relations between state apparatus and society. Moreover, strengthening the relationship between the Government of National Unity and the Government of South Sudan has been given relatively less attention. In terms of peacebuilding, there are also challenges for international engagement. More could have been done to contribute to a short-term peace dividend, and perhaps also to support the implementation of the CPA. On the basis of the experiences of the case of Sudan, the OECD/DAC Principles are found to be very relevant for guiding international engagement.



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## List of acronyms

AEC	Assessment and Evaluation Commission
CPA	Comprehensive Peace Agreement
DAC	Development Assistance Committee
DDR	Disarmament, Demobilisation and Reintegration
DFID	Department for International Development (UK)
FCO	Foreign and Commonwealth Office (UK)
GoNU	Government of National Unity (post-CPA)
GoS	Government of Sudan (pre-CPA)
GoSS	Government of South Sudan (post-CPA)
IGAD	Inter-Governmental Authority on Development
JAM	Joint Assessment Mission
JDO	Joint Donors Office
JIU	Joint Integrated Units
LRA	Lord's Resistance Army
MDTF	Multi-Donor Trust Fund
MoFEP	Ministry of Finance and Economic Planning (GoSS)
NCP	National Congress Party
NORAD	Norwegian Agency for Development Cooperation
NUPI	Norwegian Institute of International Affairs
OECD	Organization for Economic Cooperation and Development
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SSDF	South Sudan Defence Forces
UNDP	United Nations Development Program
UNMIS	United Nations Mission in Sudan
USAID	United States Agency International Development

## **Executive Summary**

The OECD/DAC is developing a set of ‘Principles for Good International Engagement in Fragile States and Situations’. A draft version of the Principles was developed in 2005, to be piloted in a number of different countries. Norway assumed the responsibility of facilitating the pilot for Sudan. This was done through a workshop and a large number of consultations with different stakeholders – Sudanese as well as representatives of the international community engaged in Sudan. The Norwegian Institute of International Affairs has been commissioned by Norad to write this report, which summarizes the findings from this process. The contents of the report are solely the responsibility of the authors.

For the Sudan pilot, it was decided to concentrate on the conflict between the North and the South and the peace process that has led to the Comprehensive Peace Agreement (CPA), and leave the ongoing conflicts in Darfur and elsewhere aside. It was further decided that the Sudan pilot would focus on three key elements of the Principles: Donor coordination, state-building and peacebuilding.

While Sudan has counted with a strong regime for a long time, there are nevertheless a number of fragilities to the Sudanese state. These include the lack of democratic institutions; the fact that the state has not been able to spread development and the benefits from the oil revenue evenly throughout the country; that a number of insurgencies challenge the state’s monopoly on violence, and that the regime’s policy of arming competing militias has further weakened this monopoly; the fact that South Sudan is building its state structure almost from scratch; the vulnerability of the CPA and the challenges of building the relations between the Government of National Unity (GoNU) and the Government of South Sudan (GoSS); and the fact that different Sudanese conflicts are at different stages from open war to somewhere along the transition to peace, yet interact and influence each other.

With respect to donor coordination, a number of different coordination mechanisms have been tried out in Sudan, some of them quite far-reaching and innovative. These include the JAM process, the Multi-Donor Trust Funds, the Joint Donor Office and the Budget Sector Working Groups of the GoSS. This emphasis on coordination has brought benefits of reduced transaction costs and strengthened ownership for the recipient, and helps avoiding the duplication of efforts. However, there have also been costs, particularly in terms of a slowness of implementation.

The international engagement with state-building has been strongest with respect to Southern Sudan. Here there have been concerted efforts to contribute to building the administrative apparatus of the GoSS. A weakness in this context, however, has been the focus on building exclusively from the top down, with a concentration on institutions in Juba and on building administrative capacity while less attention has been given to issues of building legitimacy and accountability. There has been less aid and less engagement for state-building with respect to the GoNU. There have also been relatively few international efforts at strengthening the relationship between the GoNU and the GoSS. While it may be difficult for the international community to

make a strong impact here, this lack of attention is nevertheless lamentable given the crucial importance of this relationship for the future of Sudan.

With respect to peacebuilding, the international community has so far largely failed in the efforts to provide immediate peace dividends on the ground in the war-affected areas. Slow implementation is a major weakness in the international engagement after the CPA, and there is common agreement that in similar situations in the future, there is a need for having separate implementation mechanisms that can ensure that quick impact is also achieved. With regards to security issues, the UNMIS peacekeeping mission is an important effort of the international community. However, there are other crucial security concerns, related for instance to DDR and to the transformation of the SPLA into a professional army, that is receiving only limited support. When it comes to implementing the many elements of the CPA, this is of course primarily the responsibility of the signing parties. However, it seems that the international community could have done more to support and encourage this process. The escalation of the Darfur conflict is part of the reason for this, as it has unavoidably served to divert the attention of the international community.

In conclusion, in the case of Sudan there have been instances of tension between the objectives of state building and donor coordination on the one hand, and of acting fast in order to create rapid peace dividends on the other. Furthermore, in the concerted international efforts at coordination and alignment, there are dangers that civil society may be left out or relegated to having only a service-delivering role, while the importance of creating a strong civil society to press for good governance is overlooked. Finally, the particularity of post-CPA Sudan, where two governments are to function within one state, poses special challenges for the international community, which has not always managed to deal with this situation in a way that serves to build the relations between the GoNU and the GoSS.

The experiences of Sudan show the relevance of the OECD/DAC Principles for good international engagement with fragile states and situations. Some of the successes in Sudan stem from following the recommendations of the Principles, while weaknesses might have been at least partly avoided by closer attention to all of the elements of the Principles. However, the Sudan case also points to possible further revisions to the Principles, such as the explicit acknowledgement of the fact that at times different principles may be in conflict and require trade-offs, and the need to also take into account the regional context.



## 1. Introduction

### The OECD/DAC Principles

OECD/DAC's 'Principles for Good International Engagement in Fragile States and Situations' (hereafter referred to as the Principles) represents an initiative to address the complexity and need for coordinated international action in situations encompassing both security, humanitarian and development issues.<sup>1</sup> The initiative builds upon, and aims to complement, the Paris Declaration on aid effectiveness endorsed in OECD in 2005. The Paris Declaration emphasizes five main aspects of aid effectiveness; ownership, harmonization, alignment, results and mutual accountability.<sup>2</sup> Furthermore, the Principles are also inspired by the initiative of Good Humanitarian Donorship, endorsed in Stockholm 2003.

A draft version of the principles was presented in 2005 for the pilot process. Feedback from the pilot process is used for revising the principles, and a final version is supposed to be endorsed by a high level meeting in the OECD/DAC in spring 2007. Nine pilot countries were selected for the piloting. Norway undertook the task of facilitating the piloting the Principles in Sudan.<sup>3</sup>

The intention of the Principles is to guide international engagement in fragile states to maximise the positive effect of their actions, and reversely to hinder negative impacts. The draft principles are

1. Take context as a starting point
2. Do no harm
3. Focus on state-building as the central objective
4. Prioritise prevention
5. Recognise the links between political, security and development objectives
6. Promote non-discrimination as a basis for inclusive and stable societies
7. Align with local priorities in different ways in different contexts
8. Agree on practical coordination mechanisms between international actors
9. Act fast...but stay engaged long enough to give success a chance
10. Avoid pockets of exclusion

Principle 1 and 2 address the basic outset, where analyzing context and conflict sensitivity is important. Issues of state-building and peacebuilding are addressed in Principles 3 to 6, whereas Principles 7 to 10 address practicalities such as the need for donor coordination, harmonization and rapid impact.

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<sup>1</sup> For a presentation of the draft Principles access OCEd's website: [http://www.oecd.org/document/46/0,2340,en\\_2649\\_33721\\_35233262\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/46/0,2340,en_2649_33721_35233262_1_1_1_1,00.html) or the Principles directly at <http://www.oecd.org/dataoecd/59/55/34700989.pdf>

<sup>2</sup> The Paris Declaration <http://www.oecd.org/dataoecd/11/41/34428351.pdf>

<sup>3</sup> The other pilot countries included Democratic Republic of Congo, Guinea Bissau, Haiti, Nepal, Solomon Islands, Somalia, Yemen and Zimbabwe.

The concept of ‘fragile states’ is frequently used by different actors in the development, humanitarian and political field to describe a rather wide and different range of countries and situations. In the OECD/DAC Principles the concept is not directly defined, but referred to as ‘countries with problems of weak governance and conflict’. Furthermore, the Principles stress the difference between countries that are in a ‘(i) post-conflict/crisis or political transition, (ii) countries facing deteriorating governance environments, (iii) countries demonstrating gradual improvement and (iv) countries in prolonged crises or impasse.’ Similarly, the need to differentiate between types of constraints – capacity, political will and legitimacy – is emphasized.

Thus, ‘fragile states’ is a broad definition used to describe many different situations and challenges. It is therefore important to analyse and tailor engagement to the specific context. During the pilot process, some countries have reacted to the terminology, and in the revised principles OECD proposes to change the title to include fragile situations as well as states (‘Principles for Good International Engagement in Fragile States and Situations’).

### **The Pilot Process in Sudan**

The pilot process in Sudan began with a meeting convened by the Norwegian embassy in Khartoum in February 2006. Representatives from the Sudanese governments and international actors participated, both DAC members and non-DAC members. Former minister of finance in Afghanistan, Ashraf Ghani was a key note speaker, and the Principles were introduced and discussed.

In June a task team from NORAD and NUPI<sup>4</sup> met with key stakeholders in Khartoum and Juba, to discuss more in depth the Principles, their relevance in Sudan, and how to move further with the piloting process. Because of time constraints there was a need to limit the scope of the pilot process and it was decided to keep the Darfur conflict in the background, and to rather focus on the experiences of the international engagement in relation to the Comprehensive Peace Agreement (CPA), signed in January 2005, which led to the forming of the Government of South Sudan (GoSS) and the Government of National Unity (GoNU). Based on the consultations a mid-term report on the pilot was sent to OECD-DAC in July 2006.

The mid-term report singled out topics for further discussions for the final phase of the piloting. It was also recommended that the second phase should align with processes that already were ongoing in Sudan, in order to avoid duplication of efforts. A workshop in Juba was proposed arranged together with MoFEP’s planned workshop on their aid strategy, and a workshop in Khartoum was supposed to be held together with the Ministry of International Cooperation’s intended workshop on the Paris Declaration. For different reasons, it was not possible to hold either of the pilot workshops. Instead, in November 2006 a team of two researchers from NUPI – Axel Borchgrevink and Anita Haslie – travelled to Sudan to follow up the mid-term report with meetings with relevant stakeholders in Juba and Khartoum.

In the Terms of Reference from the MFA it was decided that the Sudan pilot would focus on three main issues from the Principles. The first topic

<sup>4</sup> Stein Erik Horjen from Norad and Anita Haslie of NUPI.

was donor coordination mechanisms. In Sudan, international actors have made great efforts in setting up coordination mechanism, both during and after the peace negotiations. Secondly, the issue of international support for state-building was selected, as this is a key point of the Principles, and as in the case of Sudan the establishment of two governments in a single country poses particular challenges. Thirdly, it was decided to concentrate on international support to peacebuilding, with specific reference to the implementation of the CPA.

In order to assess the relevance of the Principles to the Sudan case, a wide range of different types of Sudanese and international stakeholders in Juba and in Khartoum were interviewed for this report. These included representatives of the national and the South Sudanese governments, of bilateral donors, UN organizations and the World Bank, as well as representatives of international and Sudanese NGOs. Further interviews were carried out with MFA, NORAD and NGO representatives in Norway. A complete list of interviews conducted can be found in the annex of this report.

### **Structure of the Report**

The next chapter gives a brief outline of the Sudan context. It also discusses in what sense Sudan can be termed a fragile state.

Thereafter, in Chapter 3, the main findings of the report are presented. This chapter is divided into three parts: The first analyses experiences with donor coordination; the second discusses international support to state-building (with respect to the GoSS, the GoNU, and to the relations between them), while the third part looks at international engagement for peacebuilding and the implementation of the CPA.

The report ends with two brief concluding chapters. The first summarizes the findings from the Sudan case, while the second assesses the relevance of these findings for the Principles.



## 2. The Sudan Context

Sudan is Africa's largest country, and reportedly home to more than 600 ethnic groups. Most of the fifty years since the country's independence have been marked by conflict between the regime in Khartoum and armed insurgencies. Conflicts have taken place in different parts of the territory, but the conflict between the North and the South has been the longest-running. What is sometimes called the second civil war<sup>5</sup> started in 1983 and ended formally with the signing of the Comprehensive Peace Agreement (CPA) in January 2005. The conflict has often been explained as a religious one, between Muslims in the North and Christians and others in the South, or ethnically, as a war between Arabs in the North and Africans in the South. While these are dimensions that undoubtedly form part of the conflict, one underlying division is between center and periphery. The South has been marginalized and exploited by the rulers from the North since pre-colonial times, and neither colonialism nor independence has altered the marginal position of the South. Increasingly, as oil exploitation has started up in areas straddling the border between North and South Sudan, the conflict has also become a war over access to resources.

However, it is not only the South that has been marginalized by Khartoum – similar conditions are found in Darfur in the West, in the East, and to some extent even in the North. The conflict in Darfur has escalated over the last years, and in spite of strong international engagement – including an African Union peacekeeping force – and ongoing negotiations, no immediate solution appears in sight. In the East, armed conflict has been halted through the peace agreement signed with insurgent groups in 2006.

The CPA was signed between Government of Sudan and the Sudanese People's Liberation Movement (SPLM), the main insurgent group. However, the civil war was much more complex than simply one between two parties. Various offshoots and splinter groups from the Sudanese People's Army (SPLA) have existed, as well as more locally based militias, and the history of the civil war involved shifting alliances and a considerable amount of South-South fighting.

Several years of peace negotiations, under the auspices of the regional organization IGAD and supported by a number of African and Western countries, eventually led to the CPA. The agreement grants the South a significant amount of autonomy, and allows its people to decide on secession in a referendum to be held after a six-year interim period. For the Interim Period, the parties agreed to work together 'to make unity attractive', and agreements were made on arrangements for power and wealth sharing. Thus, the new Government of National Unity (GoNU) includes both the NCP and the SPLM – even if dominated by the former – while the new Government of Southern Sudan (GoSS) is headed by SPLM and also includes NCP. The agreement also granted some political representation to other political groups that were not direct parties to the agreement. Elections were to be held within three years<sup>6</sup>. Both armies were to be maintained, but redeployed ac-

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<sup>5</sup> The first started with independence in 1956 and ended in 1972.

<sup>6</sup> In the Interim National Constitution this period was extended to four years.

ording to a set timetable. In addition, a number of Joint Integrated Units (JIUs) were to be established by merging troops from the two armies. All other armed groups were either to be dissolved or merged into one or the other of the armies. The key element in the wealth sharing agreements was that the South would get 50% of the revenue from the oil produced in the South. Certain key issues – such as where the border between South and North Sudan should go – were not decided in the CPA, but left to be agreed upon later.

So far, the basic elements of the CPA have been adhered to by the two parties. Still, there have been a lot of delays and difficulties in the details, and during the interviews for this report, a number of the international representatives, both from multilateral and bilateral agencies, questioned the commitment of the parties to the agreement.

### *Fragilities of Sudan*

From one perspective, ‘fragile’ may seem to be a misnomer when applied to Sudan. The regime’s strong grip on power and centralization of control over wealth and resources through almost two decades is better characterized as robust, one might argue. And yet, the Sudanese state is fragile along a number of dimensions, and the fragility of Sudan may be said to consist precisely in the particular and unique combination of these dimensions into one single system.

One dimension relates to the lack of democratic institutions. A relatively small and Khartoum-based elite has controlled the state, without achieving inclusiveness or representation of the whole country. While the GoSS in many senses represents a challenge to this state of affairs, it should be pointed out that neither of the governments is elected. Given this situation, it is not surprising that the nature of the Sudanese state has remained contested throughout the period of independence. The lack of inclusiveness also involves the distribution of resources. The regime has not been effective in spreading the benefits from the oil revenue the country has received over recent years. The government response to the needs for services and development in peripheral areas has not reflected the potential created by this income. In this sense, the regime may be said to have had the capacity but lacked the political will – one of the forms of fragility defined by the Principles.

Another dimension of Sudan’s fragility relates to the state’s monopoly of violence. On the one hand the state’s power is contested by armed groups and insurgencies. On the other hand the way that the regime has been maintaining its position is indicative of another kind of fragility. In the South and in Darfur – and also to some extent in the East – Khartoum has responded to insurgencies by arming competing groups and militias. While this has so far proved to be a successful strategy for remaining in power, it involves voluntarily giving up state monopoly of violence and foments armed conflicts. Both the contestation of the regime’s power and the arming of militias as a response to it, indicates an underlying and fundamental fragility of the Sudanese state.

Regional insecurity, and Sudan’s relationship with its neighbours, is an additional dimension of the fragility of Sudan. The conflict in northern

Uganda, for example, between the government of Uganda and the Lord's Resistance Army (LRA), has contributed to prolonging the conflict in Sudan.

While the regime in Khartoum may count on a state apparatus with considerable strengths, this is not the case of the GoSS. The reach and efficiency of state institutions have always been very limited in Southern Sudan. Previous systems of governance have relied both on traditional authorities and military administration. During the war, NGOs played a decisive role in service delivery over large areas. In sum, there is limited experience with the institutions of a modern, civil state. This is now being built almost from scratch by the GoSS<sup>7</sup>, and means that in the South, there is fragility – in the sense of an absence of state structures to build on – that is more extreme than what is found in most other fragile states.

Furthermore, the CPA is a vulnerable agreement, which requires considerable efforts from the two parties to succeed. If insufficient attention is paid to building the relationship between the GoNU and the GoSS, the agreement may fall apart. Moreover, dissatisfaction from other groups than the NCP and SPLM – feeling sidelined by the CPA – may also be a threat to peace. And in addition, the CPA, if it is adhered to, may eventually lead to the division of Sudan.

Finally, the conflicts in the different parts of Sudan are at various stages – from open war to somewhere along the transition to peace. In a sense, this means that Sudan by itself could be said to evince all the four types of fragile situations mentioned by the Principles: Post-conflict; deteriorating governance; improving situation; and prolonged crisis. Moreover, these situations are interrelated, and Khartoum may for instance count on a deterioration of the situation in Darfur to draw international attention away from other conflict areas.

Understanding the fragility of Sudan therefore involves taking into account all these different dimensions of fragility, *as well as the way in which they are interrelated.*

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<sup>7</sup> Officers from the Southern Coordination Council represent the former administration in Juba and form part of the new GoSS structure. Thus, there are both 'new' and 'old' elements in place, but GoSS as such is a new institution.





### 3. International Engagement in Sudan

#### Donor coordination

Donor coordination has been singled out as one of the three areas where the experience of Sudan is particularly relevant for the Principles. Coordination is directly dealt with in Principle number eight<sup>8</sup>. However, it should be kept in mind that issues of coordination between international actors is closely linked to the question of *alignment* with local priorities and institutions (Principle seven) and to issues of *coherence* between different institutions and fields of intervention, such as development, humanitarian and security (Principle five). The following discussion does not try to limit itself to coordination only, but draws in issues of alignment and coherence where it is deemed relevant.

A number of different mechanisms for donor coordination have been tried out in Sudan, some of them quite innovative. In the following, key elements of these experiences are described and discussed. Thereafter, some of the factors that work against coordination are discussed and assessed. Finally, a set of conclusions regarding coordination in Sudan are drawn.

#### *The JAM process*

The Joint Assessment Mission (JAM) was a comprehensive needs assessment process carried out in Sudan during 14 months in 2004-2005, at the request of the two parties to the Naivasha peace negotiations. While it was originally planned as a much shorter exercise, the fact that the last phase of the peace negotiations took longer time than expected meant that a broader process could be realized. The UN (UNDP/UNDG) and the World Bank jointly led the JAM, which in addition to the GoS and SPLM also counted with the active participation of IGAD, the IGAD Partners Forum, and, at the technical level, a number of other donors took part. The Core Coordinating Group consisted of the main stakeholders and was chaired by Norway. Separate JAMs were conducted for the Northern States and for the South, and the assessments were carried out through eight different thematic 'clusters'. Technical expertise from UN, the World Bank and donors was organized in eight corresponding teams, and matched by counterparts in the GoS and SPLM cluster teams. The final JAM report<sup>9</sup> was presented in March 2005, in advance of the Donor Conference in Oslo in April. For the programmes under the National government, the emphasis was on the need to improve governance through a process of decentralization that could stimulate broad-based development and lead to a more equitable distribution of wealth, with a particular focus on the Three Areas and other marginalized and war-affected areas. For the South, the focus was on similar development issues, but starting from a much weaker institutional and socio-economic level. The cost of the total development plan was estimated at USD 7.9 billion, of which the international community was asked to fund 2,6 billion. These fig-

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<sup>8</sup> Principle number eight: "Agree on practical mechanisms between international actors"

<sup>9</sup> <http://www.undg.org/content.cfm?id=1276>

ures did not include humanitarian needs, the cost of the UN mission in Sudan, or costs related to debt relief/arrears clearance.

The UN/World Bank review of Post-Conflict Needs Assessments from December 2006<sup>10</sup> lists a number of challenges raised by such processes, including:

- achieving effective prioritization and sequencing
- managing expectations
- ensuring that national and international actors use the Needs Assessment as an instrument for coordination during the transition period

The Sudan JAM distributes costs per year, with an emphasis on ‘quick win’ interventions and capacity building the two first years, and large-scale infrastructural investment projects mainly in the subsequent phase. There are thus elements of prioritization and sequencing contemplated in the plan. Nevertheless, representatives of both donors and multilateral institutions commented that the framework was still too wide. This, it was claimed, resulted for instance in the approval of the first projects prepared within the multi-donor trust funds, rather than those that would appear to hold the highest priority. This ties up funds that may delay the approval of other – and perhaps more urgently needed – projects.

In terms of expectations, it is clear that the JAM process and the subsequent donor conference created expectations that have so far not been met in practice. This has led to a certain degree of disillusionment, both in the North and the South. Possibly a greater attention during the JAM to issues of prioritization and to potential limitations to speedy implementation might have contributed to more realistic expectations.

The usefulness of the JAM product as an instrument for coordination in the subsequent period hinges on several issues.

- Its limited attention to prioritization is one element that has already been mentioned, which weakens its potential as a basis for coordination.
- Another element relates to the degree of ownership that the stakeholders have to the plan. The strong engagement of GoS and the SPLM in the process has been singled out as the distinguishing feature of the Sudan JAM compared to other post-conflict needs assessments<sup>11</sup>, and should imply a high degree of ownership. This is for instance reflected in the general agreement on co-financing for the MDTFs made during the JAM, which stipulates the general rule that donors pay one third of costs, and the government in Khartoum or in Juba shall shoulder the rest. Nevertheless, given the relatively insignificant amount of the JAM costs within the overall budget of the GoNU, the seeming dependence on donor counterpart funding for the implementation has led some observers to question the gov-

<sup>10</sup>[http://www.undg.org/documents/9023-PCNA\\_Review\\_Draft\\_Report\\_In\\_Support\\_of\\_Peacebuilding\\_Strengthening\\_the\\_PCNA\\_-\\_Working\\_Draft\\_17\\_November.doc](http://www.undg.org/documents/9023-PCNA_Review_Draft_Report_In_Support_of_Peacebuilding_Strengthening_the_PCNA_-_Working_Draft_17_November.doc)

<sup>11</sup> UNDG/World Bank (2006): *PCNA Review: Phase One. Sudan Joint Assessment Mission (JAM) Case Study*, 10. [http://www.undg.org/documents/8882-Sudan\\_PCNA\\_Case\\_Study\\_Lessons\\_Learned\\_Annex\\_-\\_Sudan\\_JAM\\_Case\\_Study.doc](http://www.undg.org/documents/8882-Sudan_PCNA_Case_Study_Lessons_Learned_Annex_-_Sudan_JAM_Case_Study.doc)

ernment's commitment to the JAM. Overall, however, a general assessment seems to be that the way in which it has brought a broad array of stakeholders together for agreeing on common plans, with the two Sudanese parties playing the central role, has been the strong side of the Sudanese JAM process.

- A third element relates to mechanisms for follow-up of the JAM process. The MDTFs (discussed below) make up a one main element in this. In the continuation of the JAM cluster processes, there may be a difference between North and South. In the South, the Budget Sector Working Groups (see below also) are functioning as a form of continuation of the JAM cluster groups, whereas similar functioning groups have not been established in the North

It has been pointed out that the JAM process also served as a peacebuilding measure. The fact that it took place over an extended period, in parallel with the Naivasha peace negotiations, and to some extent with the same actors, meant that a separate arena for discussions and contact was established, helping in the gradual building of confidence and trust between the parties. In this sense, the two processes may be said to have been mutually reinforcing.

#### *Multi-Donor Trust Funds*

The CPA calls for the creation of two multi-donor trust funds (MDTFs), one for the National Government (MDTF-N) and one for the GoSS (MDTF-SS).<sup>12</sup> The two trust funds have separate governing structures, and specific objectives tied to the JAM proposals. Thus, the MDTF-N shall primarily focus on promoting peace, pro-poor development and improved governance in the Three Areas and other war-affected and marginalized areas in the Northern States, while the MDTF-SS shall contribute to building administrative capacity, basic services, infrastructure and development throughout the South. In principle, all MDTF projects shall be co-funded with the GoNU or GoSS at a 1:2 rate, and implemented in line with the governments' respective budgets. The World Bank was chosen as administrator of the trust funds by the two parties. At the Oslo Donor's Conference in April 2005, eleven countries pledged USD 508 million for the MDTFs for the period 2005-2007<sup>13</sup>, an amount that was subsequently increased to USD 611,7 million after additional pledges from six other donors.

The MDTFs have been widely criticized for slow progress. By October 31<sup>st</sup> 2006, USD 14 million had been disbursed by the MDTF-N, while the MDTF-SS had disbursed USD 46 million<sup>14</sup>. There are different reasons behind this limited progress, half-way through the MDTFs first implementation period. Fundamentally, World Bank requirements in terms of mechanisms

<sup>12</sup> For South Sudan there has also been a Capacity Building Trust Fund, funded by six donors and handled by UNICEF. This has been much smaller (USD 19 million for 2004-2006), and its primary function appears to have been to cover running costs of the SPLM/GoSS administration up to January 2006 when oil revenue started coming in. This fund will not be discussed here.

<sup>13</sup> Total pledges for Sudan at the conference amounted to more than USD 4.5 billion.

<sup>14</sup> MDTFs Technical Secretariats, National and South: Sudan Multi-Donor Trust Funds: One Year On. Second report covering January to October 2006. Power Point Presentation, December 2006.

for financial control and accountability are cumbersome under most circumstances, and very difficult to fulfil in Sudan – perhaps particularly in the South. While these requirements are important as anti-corruption measures, they have, in combination with the limited institutional capacity of the GoSS, been the major factor behind the slow disbursement. A recent review of the Sudan MDTFs<sup>15</sup> furthermore levels strong critique against the World Bank for not taking the necessary measures to minimize and overcome these problems. A number of donor and government representatives interviewed in Sudan also pointed to difficulties in the relationship between the World Bank and UN agencies as additional reasons for the delays. Incompatibilities in routines and requirements between the World Bank and the UN agencies supposed to implement MDTF programs were hard to resolve. Moreover, it was even alleged that rivalries between the organizations made the UN agencies little disposed to try to overcome these difficulties, as they had an institutional interest in making the Bank appear inefficient in managing the MDTFs. The MDTF review further criticizes the general donor community for not having foreseen that a World Bank-administered Trust Fund would require considerable time for implementation and complemented it with other coordinated structures for quick delivery, and for building Sudanese structures that would make World Bank requirements easier to comply with. This last point expresses a consensus that over time has taken hold among all stakeholders. In the current Darfur JAM, this lesson has been integrated, and two separate mechanisms – for short-term and longer-term impacts, respectively – are being discussed.

The slow progress of the MDTFs is regrettable for several reasons. It implies limited advance in key recovery, development and state building areas. It has also led to strong disillusionment and loss of faith in the international community, both within government structures at the national level and in the South, as well as in the broader public opinion. Similarly, as a clear peace dividend is not readily apparent, it may also serve to undermine faith in the CPA. And finally, it allows the GoNU and the GoSS to lay the blame for all delays on the part of the donors, thereby diverting attention from the need to address their own weaknesses and inefficiencies.

International NGOs working in Southern Sudan express disappointment over the fact that the increases in aid to South Sudan after the CPA have been channelled through joint funding mechanisms such as the MDTF – SS or have been for the GoSS. International and Sudanese NGOs have therefore not experienced increased funding levels, in spite of the important role they have had in service delivery in South Sudan. Furthermore, there are widespread concerns that the strict requirements of the trust funds will make it impossible for the relatively new and weak South Sudanese NGOs to access funds or be operators of programs supported by the MDTF-SS. This funding mechanism may therefore not be appropriate for the objective of strengthening civil society in a situation where this is weak or emergent. On the positive side, though, the MDTFs may in the long run contribute positively to state building process at national and GoSS levels, both through the way support

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<sup>15</sup> Scanteam: *Review Post-Crisis Multi-Donor Trust Funds: Annex F: Sudan Multi-donor Trust Funds*. Oslo, November 2006.

is linked to government plans and budgets, and for the attention to the construction of accountable financial mechanisms that the funds require.

#### *Joint Donor Office*

The Joint Donor Office was established in Juba in May 2006 by Denmark, the Netherlands, Norway, Sweden and UK, as a mechanism to coordinate and pool development assistance from these five countries to Southern Sudan. Canada may join the group in the near future. The joint funds have so far all been channelled through the MDTF-SS.<sup>16</sup> The intentions behind the office include creating a single policy framework for the GoSS to relate to, unify aid administration systems, and share the benefits of having a multi-donor cross-disciplinary team. It has also been the objective to attract further donors to the group, and to catalyse broader harmonisation by relating to the wider donor community and by being an actor that can go in and fill gaps where other donors are not contributing. And by speaking on behalf of a number of important donors, the ambition is to be a key policy dialogue partner for the GoSS.

The model is innovative and is said to be the first of its kind in the world. It implies a number of challenges, to which ways of responding will have to be worked out in the practical operation of the office. One relates to the merging of the different development policies of five (or even more) different donors. Even though the members are generally likeminded, and overall agree on development needs for South Sudan, there are still important differences that need to be dealt with. One fundamental division is for instance over security-related issues, where the donors have differing views on what can be addressed under the development cooperation umbrella.

Another important challenge stems from the fact that the role of the office is restricted to development cooperation. Three of the countries have additional representatives in Juba to deal with the political aspects of the relations with Sudan and GoSS. This division between politics and aid basically derives from the difficulty of merging the five countries' political relationships with Sudan. But clearly aid to Sudan cannot avoid politics, and the separation creates practical problems.

The fact that all aid is channelled through the MDTF-SS gives the Joint Donor Office a key role on the Oversight Committee of the trust fund. But having no funds outside this fund may mean that the office has little leverage to ensure it becomes an important dialogue partner and player outside the MDTF-SS, and little opportunity for being the flexible donor that can fill the gaps left by others. It is currently being discussed whether in the future, the office should also channel other funds, thereby having a freer role in this respect. It remains to be seen, however, whether the office responding to five different capitals will be able to become a flexible donor with the ability to react fast when needs arise.

Barely six months in operation it is only to be expected that the Joint Donor Office still needs to work on refining modalities and structures. There

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<sup>16</sup> Some funding from some of the donors go outside of the Joint Donor Office. This relates to bilateral programmes that were ongoing before the establishment of the Office. The intention is that most of these bilateral programs are to be phased out.

seems to be a lot of will among member countries and staff to make the innovative experiment successful.

*Budget Sector Working Groups, Aid Strategy and Donor Mapping*

The Budget Sector Working Groups have been established by the GoSS in order to fill a number of functions. On the one hand, they are an important mechanism for developing the overall plans and budgets for Southern Sudan. On the other hand, they are also explicitly designed by GoSS as an instrument for donor alignment and coordination. Ten groups have been created, each including the relevant ministries and other government spending agencies, as well as the donors active in the sector.

In the GoSS budget process for the year 2007, these groups were launched. Over an intensive six-week period, they were used to work out the priorities of the different sectors. Donor and government representatives in Southern Sudan interviewed about the experience all agreed on the usefulness of the model. However, it was pointed out by some that not all groups had been equally successful in this first trial run. Difficulties related to lack of capacity and in some instances reluctance to use this forum by the GoSS ministries and agencies, as well as to a lack of continuous participation by donors, especially those without representation in Juba.

The Ministry of Finance and Economic Planning of the GoSS has also recently presented an aid strategy, with the objective 'to co-ordinate development aid to Southern Sudan within a Government-led framework, so that it is used effectively and aligned with the priorities of Southern Sudan'<sup>17</sup>. In this strategy the Budget Sector Working Groups are singled out as the key mechanism to ensure coordination and alignment. All donor partners are requested to participate in the groups pertaining to their sectors, and these groups are also supposed to be the first and necessary instance to approve on all aid projects and programmes, whether they are implemented with government institutions or through NGOs or UN agencies.

The new aid strategy indicates high ambitions by the GoSS in terms of taking a leading role to ensure that aid is closely coordinated and aligned with government priorities. So far, however, the GoSS is still developing its administrative apparatus, and the joint donor response to the aid strategy questions whether the government and the Budget Sector Working Groups will have the capacity to realize these ambitions. A first step has been the donor mapping carried out in connection with the budget process.<sup>18</sup> It covered more than 100 projects funded by 21 donors, and totalling more than USD one billion. According to this survey, only six per cent of the projects had been approved by the Inter-ministerial Appraisal Committee formally responsible for approving all aid. As the donor mapping was based on reporting by donors through the Budget Sector Working Groups, and not all donors were able to take part in the groups, there may be additional projects that were not captured in this survey. Thus, as of now, the GoSS is a long way from having the key coordinating position that the aid strategy envi-

<sup>17</sup> Ministry of Finance and Economic Planning: *GoSS Aid Strategy 2006-2011*, November 2006, p 1.

<sup>18</sup> Mabior, Moses: 'Donor mapping' Powerpoint presentation, GoSS Aid Strategy Workshop, Juba, November 8 2006.

sions, but the donor mapping, even if incomplete, marks an important start for assuming such a role.

Also in the North, the GoNU has attempted a similar mapping of donor activities. However, lacking the institutional equivalent of budget sector working groups, the exercise has been dependent on individual reporting by the donors to the Ministry of International Cooperation. According to the Ministry, this reporting has been highly deficient, resulting in the GoNU having only an incomplete picture of aid activities, with consequent difficulties for the government's planning and coordination of development activities.<sup>19</sup>

#### *Obstacles to coordination and coherence*

It is possible to point to a number of factors that work against coordination and coherence. Some of these are assessed in the following.

The fact that different countries have different policies and requirements for their development assistance limits what kind of coordination is possible. For instance, there are some donors that follow a principle of balanced aid to the GoNU and the GoSS, while a key donor such as the US with few exceptions gives all its development aid to the South. This means not only that the US has a minimal role with respect to working with the GoNU, but also that supporting the GoSS in building its relationship with the national government largely remains outside the area of US engagement. However, this does not necessarily lead to problems. For instance in the oil and gas sector, where the US only supports strengthening of the GoSS technical and administrative capacity, while Norway is also engaged in strengthening the mechanisms for coordination between the national level and the GoSS, all interviewed agreed that these efforts were mutually supportive rather than competing or conflicting.

Security related issues, such as army reform and DDR, are politically difficult to work with for many donors and according to the UN Deputy Resident and Humanitarian Coordinator in Juba, no international body is assuming the overall responsibility for DDR. In the South, the US State Department is alone in supporting the SPLA transformation into a regular army. This does of course mean that there will be minimal duplication of efforts, but this is still problematic because of the limited international engagement in a key task.

Furthermore, the US does not channel funds through the MDTF-SS, mainly for legal reasons. Some representatives of other donors therefore perceived the US engagement as uncoordinated with other activities. However, through the active participation in the JAM process and the current close working relationship with the GoSS, US assistance relates and responds to what other donors are doing in a number of ways. Again, it can be argued that the US engagement should perhaps therefore be seen as complementary to other efforts. The fact that the USAID is now being permanently represented in Juba should serve to strengthen this effect.

Where an agency has its representation impinges on coordination and alignment in different ways. On the one hand, issues appear differently depending on whether they are seen from Khartoum or Juba (or Nairobi).

<sup>19</sup> Interview Undersecretary Elfatih Sidiq, Ministry of International Cooperation, 29.11.06.

Among the Juba-based agencies there was for instance a very clear focus on building the Southern Sudan state, with much less attention given to building the overarching relationship with the national government. In Khartoum there was in principle a greater focus on this, but in practice Darfur concerns tended to draw attention away and override the issue here as well. As a number of the Juba-based agencies (both multilateral and bilateral) reported directly to Headquarters or their capital, rather than to the representation in Khartoum, this difference in focus may have been strengthened. Thus coherence between activities in the North and South may be weakened, as well as attention to the central CPA aim of making unity workable and attractive.

On the other hand, localization affects the possibility of taking part in ongoing policy and coordination processes. Continuous participation in the Budget Sector Working Groups was for instance difficult for those agencies with no permanent Juba representation, and the same goes for attending donor contact meetings organized by the UNDP or other types of formal or informal discussions between donors and with GoSS institutions.

Institutional divisions and differences in perspectives between those working with development aid, those engaged in humanitarian efforts and those focusing on security issues also imply a challenge to overcome in order to achieve coherence and coordination of international engagement. This challenge relates to Principle number five on recognising the links between political, security and development objectives. While efforts have been made to address this issue in the case of Sudan, for instance in the creation of integrated UN missions, there was still a noticeable feeling of being overrun by a huge military UNMIS operation among the ‘civilian’ UN agencies. Explicit division of labour between developmental and more ‘political’ arms are also found among other international actors, such as between USAID and State Department, or between the political and development sections of the EC. Such organization runs the risk that decisions within these two spheres are insufficiently coordinated and taken according to different logics. The UK, in contrast, has organized its Sudan work contrary to normal proceedings, with a joint FCO-DFID structure in London coordinating the engagement.

The complexities of Sudan further add to the challenges for the international community to present a coherent and coordinated engagement. In particular, the Darfur conflict has demanded responses from international actors that at times have drawn attention away from the CPA process, or even conflicted with objective of supporting that process.

Finally, it should be pointed out that the Governments, both the National and the Southern government, do not necessarily appear as unitary and well-coordinated actors in all contexts either. With respect to the GoNU, there is for instance uncertainty among many donors about the division of responsibilities between the Ministry of Finance and the Ministry of International Cooperation, and consequently about how to relate to these structures. Similarly, with respect to GoSS, donors report different attitudes among the ministries with respect to close coordination. While the Ministry of Finance and Economic Planning of the GoSS had a clear stake in a central planning process (controlled by the Ministry itself), some of the larger implementing ministries appeared to be more interested in less bureaucratic and time-



consuming relations with individual donors. The fact that SPLM is represented in GoNU and the NCP in GoSS does not reduce this problem, and indeed the complex relationship between GoNU and GoSS may stand as the overarching example of the fact that in Sudan, the government is far from being unitary in all respects. This, of course, makes alignment and coordination a complex affair.

### *Conclusions*

The international engagement with Sudan in support of the CPA has been characterized by a strong concern for achieving coordination and harmonization. A high awareness of the need for this has been encountered among all stakeholders interviewed for this report, and in general their assessment is that a relatively high degree of coordination has been achieved. A number of different mechanisms have been tried out, some of them quite innovative.

Broadly, one may say that coordination and alignment are supposed to serve three main purposes:

- Reduce transaction costs for the recipient by having fewer donors and different requirements to relate to
- Avoid duplication of efforts and conflicting interventions
- Strengthen local ownership and priority setting

In Sudan, one has achieved positive results in all of these areas. Joint funding mechanisms – such as MDTFs – and donor cooperation – such as through the Joint Donor Office – have de facto meant fewer different instances and conditions for the Sudanese authorities to relate to. The broad international engagement in the JAM process and, for the South, the Budget Sector Working Groups, has ensured adherence to a common framework for interventions. And the international engagement has been successful in aligning with national plans and priorities. Even under difficult conditions – an emergent and consequently weak state in the South, and a national government whose real commitment to the CPA has been questioned by many – not many donors have been criticized for attempting to impose their own agendas (even if donors were criticized freely on many other counts). In sum, then, the Sudan case must be considered relatively advanced in terms of achieving donor coordination.

However, as described above, a major negative effect of the strong emphasis on coordination has been the slowness of implementation, with consequent costs in terms of disillusionment and loss of faith in the international community and perhaps also in the CPA process itself. A widely shared perception is thus that a mistake was made in entrusting a single funding mechanism – the MDTFs – with all objectives, both short-term and long-term. Consequently, in Darfur, one is now planning for two different mechanisms. Possibly, however, the lesson to be drawn might be even more radical: That the important thing about coordination relates to the need for bringing all actors together for a common overall planning process, whereas implementation could actually benefit from not only having two, but a multitude of mechanisms that could complement each other.

### State-building

The third Principle refers to the need to 'Focus on state-building as the central objective'. The Principles emphasise international engagement in two central areas with regards to state-building:

- 1) *legitimacy* and accountability of states
- 2) *capability* of states

The first area, concerning the *legitimacy* of the state, refers to issues such as democratic governance, human rights and peacebuilding. The second area addresses the *capability* of states to fulfil core functions and to act upon poverty reduction. This includes functions such as security and justice, service delivery, mobilization of revenues, facilitating economic development and employment generation.

Within the two areas state-building processes include both the building of the state institutions themselves, as well as building the relationship *between* state and society. Furthermore, the Principles also emphasize that *civil society* plays an important role in relation to building both the legitimacy and the capability of states.

In this section we will look at state-building and international engagement in Sudan with regards to three levels; the Government of South Sudan (GoSS), the Government of National Unity (GoNU) and the relationship between these.

#### *Government of South Sudan (GoSS)*

In South Sudan, existing government structures were very weak or non-existing when the peace agreement was signed. The Southern Coordination Council was the Khartoum government institution in Juba, but in practice its authority did not extend to much of the territory. While the civil servants of the Southern Coordination Council have been kept on by the GoSS, the structure is basically being replaced by new institutions. Throughout SPLM/A-controlled areas during the war, weak civil administration structures coexisted with military authority structures and traditional forms of authority. Thus, post-conflict South Sudan is not only in a state of reconstruction, but even more so in a state of construction, where the state is being built almost from scratch. Another important post-conflict challenge in South Sudan is the SPLM/A's transition from military to a civil movement and government.

GoSS's income is based on the sharing of oil revenues as agreed upon in the CPA. Oil revenues from oil produced in Southern Sudan is split 50-50 between the GoNU and GOSS after the withdrawal of 2 per cent to the oil producing state. Compared to many other post-conflict situations, GoSS is considerably better off in terms of income. On the other hand, GoSS is very dependent on one income source, as oil revenues constitute 95 per cent of the income. However, according to most international actors, challenges are huge in terms of institutional capability. In the USAID Sudan strategy statement (December 2005), the weak institutional capability of the GoSS is singled out as one of five key threats to the implementation of the CPA. State-building is thereby also linked to peacebuilding, a topic we will discuss later in the report.

International engagement in South Sudan state-building focuses on capacity building within the GoSS where training and capacity building projects have been funded. There is a specific focus on financial management capacity, and both the World Bank and the USAID are funding consultants from Bearing Point and KPMG that work with the Ministry of Finance and Economic Planning (MoFEP). As the literature on technical assistance shows, transfer of knowledge is difficult to achieve, especially where recipient institutional structures are weak. Expectations of immediate capacity building impact ought therefore to be modest. But at least this form of engagement contributes to the GoSS's ability to disburse funds. Limited capacity to implement disbursements was one of the problems in 2005, and resolving this is a prerequisite for a state's capacity to deliver services.

Anticorruption is a major theme in strengthening institutional capacity, and an anticorruption commission has recently been formed by GoSS in accordance with CPA. Two of the state secretaries in the MoFEP have recently been dismissed because of accusations of mismanagement, and their cases are due to be investigated by the commission. Awareness of the potential for corruption is high among the donors working in South Sudan, and this is for example reflected in the procedures of the MDTF. These procedures are meant to contribute to the creation of transparent and accountable governance systems. Thus there is a state-building aim in the way the MDTFs are set up and operate.

According to one participant in the Oversight Committee of the MDTF, the relationship between MoFEP and the different relevant ministries is still a challenge. The line ministries are invited at a very late stage of the planning and budgeting processes, and they may not always be well informed about the process. To the extent that this is the case, constructive international engagement for institutional strengthening becomes more complicated.

The Budget Sector Working Groups also entail a state-building objective, and many donors participated in this exercise and are eager to continue this work. Although the exercise was considered to be fruitful and necessary, several participants expressed the need for additional technical assistance to the different ministries in the budget process. Another challenge in the budget process relates to relationship between GoSS level and authorities at the level of the States. States level authorities are not part of the BSWG process, thus they are not present when budget priorities at the government level are agreed upon and they do not interact with donors to the same extent. UNDP is engaged in work on the level of States and local authorities, but apart from this, it seemed that donors generally give little attention to the States and their relationship to the GoSS. The task of building state structures below the States – i.e. at County level – was largely neglected by the international community, as far as we could ascertain.

USAID has chosen, as part of their Fragile States strategy, to work with a limited set of government institutions, and concentrate their engagement with only few ministries. In South Sudan, they focus particularly on infrastructure, working with the Ministry of Housing, Land and Public Utilities and Ministry of Transport and Roads, and they support technical assistance to different ministries through Bearing Point.

One obstacle to State-building may be caused unintentionally by the presence of international organisations. Salaries are higher in international organisation, and the most qualified staff might be drawn to positions in international organisation instead of contributing to strengthening national or local institutions, which in turn means that government bodies may not get the most qualified staff. This is a challenge which international actors in Sudan could pay more attention to.

The transformation of SPLA from a guerrilla force to a professional army is one of the major challenges in South Sudan. The US is one of the few donors involved in supporting this process. They work through the private company Dynacorp. Some donors expressed that SPLA was not participating and seemed disinterested in contributing to the work in the Budget Sector Working Group on security. The result of this lack of participation was that the BSWG on security did not function according to the intentions. Furthermore, the independent commissions belonging to this Working Groups - such as the De-mining and the Disarmament Commissions - didn't have a strong role in the process either. It was also reported that MoFEP has little leverage in relation to the army (in contrast to MoFEP's relations with the other ministries). Thus, there seems to be a lack of communication and openness between the different actors in the security sector, and the civil political institutions appear to have limited influence over decisions in the army. The army received 40 per cent of the 2006 budget<sup>20</sup>, yet there is little knowledge outside the SPLA as to how these funds are employed.

One of the challenges with regard to state-building relates to the relationship between authorities and civil society. There seems to be disagreement within SPLM over the extent to which an autonomous civil society should be promoted. The aid strategy of the GoSS does not recognize the role of civil society as important actors in the development of a pluralistic and democratic society; the strategy rather signals a wish to control civil society activities. NGOs played an important role as service deliverers in South Sudan during the last decades, and this is not recognised in the Aid strategy either. This, of course, makes international engagement for strengthening Sudanese civil society more complicated.

In terms of international engagement in South Sudan for state-building, it seems that most actors focus on building the GoSS institutions and capacity. This is a focus on building the state from above, from the centre, while processes of building democratic relationships between state and society have been pushed more to the background. With reference to the OECD principle on state building, one may state that focus has been more on building the *capability* of the GoSS and less on building its *legitimacy*.

#### *Government of National Unity (GoNU)*

The forming of the Government of National Unity (GoNU) was agreed in the CPA, and both parties to the agreement, NCP and SPLM, are represented in GoNU. The GoNU is dominated by the former regime, the NCP. Government institutions are stronger and have more capacity in Khartoum than what is the case in Juba. Financially, the GoNU is also strong, in part because of oil revenues. International investments strengthen the economy,

<sup>20</sup> CPA Monitor, November 2006. UNMIS p.23

predominantly from Asian companies from China, Malaysia and India, as well as financial loans from Arab countries. In this situation, traditional western donors have little leverage, as development aid represents only a small share of the government's income.

Over the last couple of years, international actors' engagement with GoNU representative has increasingly focused on the conflict in Darfur. This conflict has escalated since the signing of the CPA, and is given high priority by many international actors. Thus, because of the Darfur conflict, the attention of the international community in Khartoum has been diverted from the efforts to support the implementation of the CPA.

There is a challenge for the GoNU to become a truly national government and to overcome the gap between centre and peripheries in Sudan. One dimension of this challenge is reflected in the weak position of SPLM in the GoNU. It seems that in practice, the NCP is taking most decisions, and that SPLM representatives are sidelined on important issues. One diplomat had the opinion that it is difficult for SPLM to criticize the NCP because they are dependent upon them. For example, the SPLM are afraid that if NCP should lose the elections in the North to another northern party, there is a chance that this new party would not feel committed to the CPA. Not many donors are engaged in support to strengthen the role of the SPLM representatives in the GoNU, and there is also a widespread perception that the SPLM leadership are not prioritising it.

Another challenge for GoNU, related to the issue of becoming a more inclusive government, is poverty reduction and the distribution of wealth and resources. Support to war affected regions and communities is the purpose of the MDTF-National, and this was also the focus of the JAM in the North. A widely shared perception was that the GoNU's policies did not reflect the agreed outcome of the JAM process. Although many agreed that ownership to the JAM was strong during the process and when it was presented by the Joint National Transition Team in Oslo, a common impression now was that this has changed. A large share of the national (GoNU) budget is spent on the military, and much less on development and reconstruction. This is hardly consistent with a focus on investing in peacebuilding.

The MDTF-N shall support war affected areas, with a particular focus on the three disputed areas. Some international representatives were of the opinion that due to the lack of prioritization in the JAM process – as explained above – the MDTF-N has not worked as a strategic tool, but instead spread its attention more randomly, on a 'first come, first serve' basis.

Some donors reported that one of the problems of cooperating with GoNU is that it is fragmented in its relationships to donors. There is the ministry of Finance, Ministry of International Cooperation, Ministry of Humanitarian Affairs and also the Humanitarian Affairs Committee (HAC) that are all involved in international cooperation and development assistance in one way or another.

According to some civil society representatives, not much has changed in terms of governance with the signing of the CPA. For example, civil society is still left out and trade unions are still infiltrated by government. A new act has been approved by parliament, which is restraining NGO activity. This Humanitarian and Voluntary Work Act (GoNU) has therefore now been

taken to constitutional court by some Sudanese NGOs, who claim that the Act is unconstitutional. Furthermore, Sudanese and international NGOs reported that they were regularly harassed by Sudanese authorities, partly through bureaucratic impediments.

International engagement may likewise be contributing to the marginalisation of civil society. For instance, civil society is not included in MDTFs, only few NGOs have observational status in the meetings. In forums such as AEC that evaluate and monitor the implementation of the CPA, civil society is not included.

In sum, with the GoNU counting on a strong administrative and security apparatus, the state-building challenges are very different from in the South. Furthermore, the limited importance of aid gives the international community less leverage at the national level. This is compounded by the fact that important donors – such as the World Bank and USAID – do not have development aid programs with the national government. International engagement for state building can therefore not be characterized as strong at this level. The attention is on improving service delivery to marginalized and war-affected areas, but slow progress with the MDTF-N means that advances have been limited.

#### *The Relationship between GoNU and GoSS*

One important challenge for state-building is strengthening the relationship between GoNU and GoSS. This is relevant regardless of whether South Sudan will vote for independence after the interim period or not. There will in any case be a need for good relations between the entities. In terms of state-building this is important because of their interdependence with regard to management of resources, as well as the need for political cooperation and decision making.

Generally we got the impression that neither the NCP nor the SPLM are making strong efforts in order to extend and deepen political and institutional relations between the two governments. Similarly, there appears to be limited engagement for supporting this objective among the majority of donors. While a number of donors are involved in supporting the building of GoSS institutions, few appear to show a concern for the linkages between these institutions and their national level counterparts.

One illustrating example of the importance of strengthening the relationship between GoNU and GoSS concerns the cooperation in the oil sector. The Norwegian government provides technical assistance and capacity building for the oil sector in Sudan. One lesson so far is that working with both GoSS and GoNU is important. A positive consequence of the process so far is that GoSS and GONU acknowledge that since the oil resources are shared, they have mutual interests in cooperation and capacity building in the sector.

Cooperation between GONU and GoSS in the oil sector is vital, partly because many oil fields are situated in the South, whereas the pipeline runs through the northern part of Sudan up to Port Sudan and the Red Sea for export. There have been disputes between the parties about the National Petroleum Commission (NPC). The commission was formally established on 30 October 2005 by presidential decree, but has not been functioning. Re-

cently, however, there has been some movement in the process, and it was agreed that the commission shall be an independent technical secretariat (not integrated into the Ministry of Energy and Mining, GoNU). Earlier this year it was also agreed to establish Joint Monitoring Teams to verify actual oil production in the oil fields.

Other central programs that cut across the north-south boundary are: the national census, a national currency, and transport issues. International donors are engaged in all of these issues. Both MDTFs have for instance approved funding for a national census.

There is a tension between separation and unity in the state-building processes of Sudan. This tension is evident in the CPA itself, manifest in the concept of two governments within a single country. This implies a delicate balance between the objectives of a meaningful autonomy in the South and the maintaining of unity within the larger Sudan. Donors should be careful that their policies do not contribute to upset this fragile balance. As there is a need for better coordination between the two governmental bodies in order to build a national state, donors should therefore follow a national strategy to their work in Sudan. In practice, it may appear as if many donors employ a two-state strategy, thereby contributing to favour separation above unity. Thereby they are refraining from following the spirit of the CPA, which states that this decision should be left to the people in South Sudan to decide.

### *Conclusions*

International engagement in Sudan has put state-building in South Sudan high on the agenda, with a focus on building the institutional capacity of the GoSS. This is an important task. Yet, as the Principles point out, state-building should also address the relationship between state and society. In this sense, the international engagement has not been very strong. In South Sudan, the donors have focused on building the state from the top, with limited attention to local government institutions. The need for building a strong and autonomous civil society has likewise been given a lower priority.

With respect to the GoNU, donors' influence is weaker, and the international community has been less involved in state-building. The international state-building engagement with the national government that has been, has focused on the periphery and the marginalised areas.

While the building of the relationship between the GoSS and the GoNU is vital and given a high priority within the CPA, it appears that this has not been high on the agenda for most donors.

In sum, one may say that international engagement in Sudan emphasizes issues such as institution building, capacity building, and a focus on building the central governments. However, facilitating the relationship between state and society, thereby contributing to legitimacy and accountability, seems to be a more neglected area.

### **Peacebuilding**

The signing of the Comprehensive Peace Agreement has brought about changes to many war affected areas in South Sudan, but still there are many challenges with regards to the implementation of the agreement. In addition,

the conflict in Darfur has escalated since the signing of the CPA, and throws long dark shadows over the North – South peacebuilding process. One consequence of the Darfur conflict is that Sudan as a country is still at war, another is related to international engagement with regards to the CPA. Donor attention shifted quickly to Darfur as conflict intensified in that region, and part of the funds pledged at the Oslo Donor Conference was transferred to humanitarian efforts in Darfur.<sup>21</sup> According to some observers, international political attention also shifted away from the CPA.

International engagement in this very complex situation is far from easy and straightforward. At the same time it must be recognized that it is limited what international engagement can achieve on its own. It is first and foremost the parties to the agreement and the people of Sudan that have the responsibility and must play the main role in the implementation of the CPA.

Many have commented on a perceived lack of commitment to the implementation of CPA. Some blamed the parties to the agreement, and others pointed at the donors.

#### *Peace Dividend*

After two decades of war, a rapid impact of the peace was highly needed in the affected areas. The proliferation of arms is high, as are the levels of poverty and mistrust between peoples. In other words, the situation is very fragile, and a need for a so called ‘peace dividend’ is high.<sup>22</sup>

However, international engagement has not managed to help deliver an early peace dividend on the ground in Sudan. There have not been significant improvements in sectors such as education, health, and infrastructure. There are different reasons for this, related both to a limited capacity on the Sudanese side, as well to slowness in the international community’s ability to deliver. One of the reasons for this is linked to the administrative set-up of the MDTF.

According to one practitioner, a problem that has affected Sudan is that international actors of development assistance are often unable to respond rapidly even when successful impact depend quick implementation. Bureaucratic decision-making routines and funds being tied up are two common reasons for this. One suggestion to overcome this problem is that donors could pool support in a ‘quick-response fund’.

An unintended consequence of international engagement in Sudan is that international presence has pressed prices high. Accommodation and transport are now very expensive in Juba, and this may potentially create tension. It doesn’t seem as if international actors have any solution to this, or that there exists any common effort into solving this.

#### *Security*

The CPA provides for three security forces in Sudan: The Sudan Armed Forces (SAF) which is the Khartoum government army, The Sudan People’s

<sup>21</sup> According to a representative from the Ministry of Finance in Khartoum, 75% of the funds pledged in the Oslo conference went to humanitarian activities. Thus, a smaller share was allocated to development and reconstruction under the CPA and JAM framework.

<sup>22</sup> The need for acting fast is discussed in Principle number nine, and can therefore be related to the delivering of a peace dividend.



Liberation Army (SPLA) and The Joint Integrated Units (JIUs). The JIUs are to be formed from SAF and SPLA forces during the interim period. Other Armed Groups should, according to the CPA, join either SAF or SPLA. The CPA also provides for redeployment of troops, with a gradual withdrawal of SPLA forces to the South and of SAF to the North.

In practice, however, there is still unrest in different parts of South Sudan. This is particularly the case in Upper Nile, Unity and Jonglei states, due to White Army militias and SSDF<sup>23</sup> groups that have not laid down arms or joined one of the two regular armies<sup>24</sup>. In the south, especially in western Equatoria, LRA has caused some unrest, but since the peace talks started, the security situation has improved.

An additional source of insecurity is from the SPLA itself. In several cases, soldiers dissatisfied with (lack of) payment and general conditions have been the cause of fighting. The integration of former SSDF adversaries into the SPLA may involve additional risks for such flare-ups within the army itself.

UNMIS is the main instrument for international engagement in the security sector.<sup>7</sup> The mandate of this UN peacekeeping mission relates to the monitoring of the formation of the JIUs and the redeployment of forces, as well as to a more general monitoring of the implementation of the CPA. UNMIS has its mandate from the UN Security Council, and can deploy up to 10,000 military troops and civilian personnel such as police.

It is reported that the formation of JIUs are slow, and likewise that the redeployment of forces is slow. Even if UNMIS is reporting on the activities, there is little they can do to influence action directly.

The US is working with the SPLA, supporting its transformation into a professional army. This work aims at creating improved structures for the troop that could be important for stemming the kind of dissatisfactions that have erupted into violence.

GoSS is moderating and hosting the peace negotiations between LRA and the Government of Uganda, because a solution to this conflict is also imperative to a sustainable peace in South Sudan. With regards to these negotiations, many donors have pooled funds through OCHA in order to provide technical support to the negotiations.

#### *Implementation of the CPA*

Implementing the CPA and building peace in Sudan is an immense task. Although many issues are still pending, and the implementation goes slower than expected, the CPA is not abandoned. Main issues in the CPA are realized: the establishment of GoNU and GoSS, transfer of oil revenues to GoSS and oil producing states, a new constitution is in place, several of the com-

<sup>23</sup> The South Sudan Defense Force consists of Southern militias that united in the fight against the SPLA during the war. The White Army militias are locally based militias, with less clear affiliations.

<sup>24</sup> The first major violation of the ceasefire occurred in Malakal 28-29 November between SPLA and SAF forces. 150 people were reported killed. According to UNMIS, both parties have since regretted the violation of the ceasefire, agreed on immediate ceasefire, withdrawal of forces and a joint investigation.

missions are established, and the ceasefire is still holding.<sup>25</sup> Yet, there are many challenges to overcome to ensure a lasting peace in Sudan.

The CPA was an agreement between two parties; the GoS (represented by the NCP) and the SPLM and these parties are responsible for implementing the agreement. At the same time it is a challenge to make the agreement national, and to include different political actors to feel ownership to the agreement. For example in the South the Juba declaration provided for an agreement between the SPLA and the SSDF and for SSDF members to choose to integrate into either the SPLA or the SAF army. But still there are SSDF groups that feel bound neither by the Juba agreement nor the CPA, and instead refer to the Khartoum agreement the SSDF made with the Government of Sudan in 1997. To include different political groups into the process of implementing the CPA is important for its viability.

One of the main messages in the CPA is that the parties are committed to 'make unity attractive'. This means that during the interim period, before the referendum on the secession of the south, both parties should employ a national framework to their peacebuilding efforts.

The Assessment and Evaluation Commission (AEC) is an important formal arena. Its role is to monitor and evaluate the implementation of the commitments of the peace agreement. However, it seems as though the parties have not fully engaged in developing the AEC as a useful tool. The AEC was described as a 'toothless bulldog' by one GoSS representative, and this echoed sentiments described by several others, alleging that the AEC did not have any leverage or means of enforcing adherence to the CPA. One diplomat suggested that AEC as a mechanism for peacebuilding has a potential, but to fulfil this potential there is a need for making AEC smaller and more closed in order for it to be a real space for negotiations between the parties.

One of the most important remaining issues in the implementation of CPA is the Abyei border issue. The Abyei protocol in the CPA grants the right to the citizens in the oil-rich region to determine whether they will join the South or remain in the North through a referendum, which is to be held before the referendum in the South. The Abyei protocol also provides for an Abyei Border Commission to define and demarcate the area<sup>26</sup>. This Commission consisted of both international, independent experts, and representatives from both Sudanese governments, and presented its report in July 2005. However, the Abyei Border Commission report was rejected by the President. Moreover, in May 2006 a joint NCP-SPLM leadership council meeting also failed to agree on the adoption of the report. It seems that the case is still in a deadlock. One consequence of this is that the area lacks an administration, which again has serious impediments for instance for service delivery.

The problems and complexities in the Abyei case illustrates that there are several levels of conflicts that need to be addressed in order to achieve sustainable peacebuilding in Sudan. In addition, it illustrates that international actors can only play a limited role, and that in the end local actors are the ones responsible. It is important, though, that international engagement does

<sup>25</sup> With the exception of the incident in Malakal in November 2006 (referred to in the previous footnote).

<sup>26</sup> The Abyei area is described as "the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905". (United Nations, CPA monitor)

not contribute to conflict. Most importantly, the lack of implementation of the Abyei Boundary Commission report may bring into question implementation of the CPA.

### *Conclusions*

Within all of three topics discussed in this section on peacebuilding, the role of the international community seems weak. The people of South Sudan have so far seen very little of the hoped-for peace dividend. While a large peace-keeping mission has been undertaken, its mandate is limited and few other international actors are engaged in security issues. And in terms of CPA implementation, crucial elements of the agreement are left hanging with limited opportunities for the international community to contribute constructively.

There are several reasons for this bleak conclusion. On the one hand, peacebuilding is difficult and presupposes willingness and commitment of the parties to the conflict, something that has not always been equally forthcoming. Secondly, international engagement has increasingly – and for understandable reasons – focused on the Darfur conflict, which has weakened the moral and political support for the implementation of CPA. And finally, the international community has shown little capacity to react with the speed that the situation in Sudan requires.



#### **4. Conclusions from the Sudan Case**

The international engagement in Sudan and the CPA provides interesting lessons and renders visible difficult dilemmas. The Sudan case shows clearly that there may possibly be a dilemma between peacebuilding on the one hand and state-building on the other. In order to deliver peace dividend on the ground, international actors need to be able to act fast. In contrast, donor coordination and efforts to secure the formation of accountable, transparent and democratic state institutions demands time and meticulous procedures. In this sense there may be a conflict between the peacebuilding and state-building objectives. In Sudan it seems that the international community has not been aware of the need for making a trade-off, and that the delivering of a peace dividend has been suffering from this.

The challenge of rapid impact is also related to the issue of donor coordination. As noted, the efforts to coordinate international engagement have been strong and relatively successful in Sudan. However, there have also been negative impacts of this strong emphasis on coordination. In addition to the problems of quick impact, there are two other areas where this can be seen: On the one hand, an overview of international engagement in Southern Sudan shows coordinated focus on building the capacities of the new state institutions in Juba. That this is given high priority is not surprising given the very real needs. Still, it means that there is less attention to building the state throughout South Sudan<sup>27</sup>, and importantly, to building the relationship between state and society (as highlighted in Principle three on state building).

The second point is closely related to the first, namely that there may be a danger that civil society is left out of the equation through the focus on joint funding mechanisms. There are serious questions as to whether the fledgling Sudanese civil society will be able to live up to the strict requirements for funding posed by the MDTF structure. Furthermore, when civil society *is* considered, there is a tendency to limit the attention to service-providing roles. However, as the Principles point out, there is also a need for a strong civil society to demand good governance. These observations – the need to build the South Sudanese state throughout its territory and pay attention to issues of legitimacy as well as capacity, and the need to include civil society in both watchdog and service-delivering roles – mean that a broader approach is required in the international engagement with Sudan. Having a variety of different funding mechanisms may therefore imply advantages.

Further observations from Sudan also show that there is a challenge for the donors to include a national (whole of Sudan) approach in the implementation of their engagement in Sudan, and that in practice, a two-country approach tends to apply on the operational level. This has implications for peacebuilding in that it weakens the ‘making unity attractive’ idea of the CPA. At the same time, building a good relationship between the two governments is important regardless of the outcome of the referendum of separation. One Sudan or two Sudans – in any case a good relationship between them will be important for peace and stability.

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<sup>27</sup> UNDP does have a program of support to the states, but at lower levels international engagement appears virtually absent.



## 5. Relevance of the Principles

The OECD/DAC Principles for good international engagement in fragile states and situations are very relevant to the situation in Sudan. Some of the positive outcomes of the international engagement in Sudan stems from a focus on coordination and alignment, which are also important in the Principles. Thus, the high concern for coordination and harmonization has brought benefits in terms of reducing transaction costs for the recipient, avoiding the duplication of efforts, and strengthening local ownership. Several of the weaknesses of the international engagement in Sudan could have been avoided if the Principles had been followed more closely. For instance, with reference to state-building, the Principles emphasize the need to pay attention to the issue of legitimacy as well as of capacity. One weakness of the international engagement with Sudan has been the tendency to focus exclusively on the latter issue.

However, the lessons from Sudan also indicate that there are certain issues that could be reflected more clearly in the Principles. In Sudan civil society has been left out of many processes, and when included, this has been in the role as providers of service delivery. In the Principles civil society is mentioned under principle number three, focus on state-building, which states that civil society play an important role in developing the relationship between state and society, both in relation to service delivery and in relation to human rights, rule of law and democracy. It is therefore important that international engagement in Sudan involves civil society both as deliverers of basic services *and* as political actors. This point could be emphasized even more explicitly in the Principles

A second important lesson from Sudan that could play into the revision of the Principles, relates to the possible dilemmas between delivering a peace dividend fast and contributing to state-building, or between the objectives of coordination and acting fast, could have been made clearer. The Principles could perhaps state explicitly that there may sometimes have to be made trade-offs between these concerns, and that these choices should be made on the basis of an explicit recognition of the dilemmas involved.

Finally, an issue that appears to be missing in the Principles relates to the role of the regional context, and a fragile states' relationship with its neighbours. In many areas of the world – particularly where states are fragile – conflicts in one country tend to spill over into its neighbours. In Sudan's case, such processes can be seen across its borders with a number of the neighbouring countries, for instance with respect to the LRA of Uganda. Yet the normal approach of the international community is to deal with these issues on a country-by-country basis. The Principles could perhaps also make reference to the importance of the regional context – for instance in connection with the need to take context as the starting point.





## Appendix

### Meeting Schedule in Sudan 22-30 November 2006

#### Juba

Name(s)	Organisation
Mr. Shyam K Bhurtel, Ms. Suela Krifsa and Mr. Anselme Sadiki	Senior Governance Advisor (Team leader), programme specialists UNDP
Mr. Moses Mabior	Director Aid Coordination, MoFEP
Mr. Ronald P. Isaacson	Senior Operations Officer, World Bank
Ms. Emily Oldmeadow	South Sudan Programme Manager EC
Mr. David Gressly	UN Deputy Resident and Humanitarian Coordinator, Southern Sudan
Mr. Richard Taylor Ms. Nynke Weinreich Ms. Marisia Pechaczek	Programme specialist, Policy Officer, Adviser Governance, Joint Donor Office
Mr. Marv Koop	Country Director, Pact Sudan
Ms. Pauline Riak	Chairperson, Anti-Corruption Commission
Mr. Allan Reed	Country Director, USAID
Ms. Makila James	Consul General of the United States
HE Dr. Riek Machar	Vice president GoSS, Minister Housing, Land and Public Utilities
Mr. Caesar Arkangelo Suliman	Chairman, Local Government Board, Office of the President

#### Khartoum

Name(s)	Organisation
Ms. Sumia El Sayed	Secretary General, Sudanese Environment and Conservation Society
Mr. Haj Hamad	President, Social and Human Development Consultative Group
Ms. Suzan El Sadiq	Executive Director, Noun Center for Women and Gender Rights
Mr. Omar Muhamed Abdel Salam	Director General of International Financial Cooperation, Ministry of Finance, GoNU
Mr. Hassan Salim ElHassan	Arab League, Arab Organization for Agricultural Development
Mr. Asif Faiz	Country manager, Sudan Country Office, World Bank
Ms. Karin Wermester	Programme Officer, Deputy Special Representative of the Secretary, UNMIS
Mr. Mike McDonagh	Senior Humanitarian Affairs Officer, OCHA
HE Mr. Fridtjov Thorkildsen	Ambassador, Norwegian Embassy in Khartoum

Mr. Endre Stiansen	Norwegian Embassy in Khartoum
Mr. Philippe Chichereau	Advisor UNDP
Mr. Elfatih Siddiq Mr. Mohamed Hilali	Under-secretary, MIC (GoNU) Aid Management and Coordination Unit, MIC
Ms. Sarah Offermans	First Secretary, Dutch Embassy
Ms. Kate Almquist Mr. Mark Meassick	Mission Director, Deputy Office Director USAID
Ms. Catherine Masterson	DfID
Ms. Gosia Lachut Mr. Luca Pierantoni	Head of political section, European Commission
Mr. Einar Risa	Expert, Oil for Development, NORAD

## Oslo

Name(s)	Organisation
Ms. Tove Westberg	Norwegian Ministry of Foreign Affairs (NMfA)
Mr. Stein Erik Horjen	NORAD
Mr. Ivar Aarseth	NORAD
Ms. Anne Strand	NMfA
Ms. Kari Øyen	Norwegian Church Aid

**Meeting Schedule in Sudan 4-12 June 2006**

## Khartoum

Mr. El Fatih el Siddig	Under-secretary, Ministry of International Cooperation (MIC), GoNU
Mr. Mohamed Hilali	Aid Management and Coordination Unit, MIC
Mr. Yahia H. Babiker Mr. Taj el Sir Mahgoub	Chair, Joint National Transition Team (JNTT)
Mr. Philippe Chichereau	Senior Advisor, UNDP
Ms. Ulrika Josefsson	First Secretary, Swedish Embassy
Mr. Jonathan Lingham	Head of Office, DfID
Ms. Corina van der Laan	Deputy Head of Mission, Dutch Embassy
Mr. Jaques Prade	First Counsellor, European Union
Ms. Nada Amin	Information Officer, World Bank
Mr. Jerzy Skuratowicz Mr. Dirk Hansohm	Country Director, UNDP Senior Economic Advisor, UNDP
Mr. Tom Vraalsen	Chair, Assessment and Evaluation Commission
Mr. Ramesh Rajasingham	Chief, OCHA
HE Mr. Fridtjov Thorkildsen	Ambassador, Norwegian Embassy in Sudan

## Juba

Ms. Liz Gaere Mr. Richard Taylor Ms. Marisia Pechaczek Ms Målfrid Ånestad Mr. Tron Ljødal	Joint Donor Team
Mr. H.N. Nayer	Technical Advisor, World Bank, Juba

Mr. Luka Biong Deng	Snr Economist/ Operations Adv. MDTF-SS, WB
Mr. Francis Latio Michael,	Undersecretary, Ministry of Finance and Economic Planning (MoFEP)
Mr. Moses Mabior	Director Aid Coordination (MoFEP)
Ms. Fiona Davies	Aid Management Advisor (to MoFEP), UNDP
Mr. Sanjeev S. Ahluwalia	Senior Advisor, World Bank LICUS
Ms. Chris Johnsen	Country Director, UNDP Southern Sudan
Mr. Michael Makuei Lueth	Minister, Ministry of Legal Affairs and Constitutional Development (GoSS)
Mr. Rudi Mueller	Chief, OCHA Southern Sudan
Ms. Joy Kwaje	Member of S. Sudan Legislative Assembly
Mr. Peter Wal	Director General, Ministry of Internal Affairs (GoSS)