

Leser, auch der erfahrene Kenner, in nahezu jedem Abschnitt auf neue Erkenntnisse stoßen oder altes Wissen neu präsentiert finden. Insofern ist *Bishop/Crawford/Reisman* in jedem Fall eine Fundgrube an Informationen und umfassendes Compendium der investitions-schutzrechtlichen Literatur und Schiedspraxis.

Weniger sicher ist, ob es seine Zielgruppe wirklich wird erreichen können. Ausweislich des Klappentextes richtet sich das Buch an erfahrene wie unerfahrene Praktiker sowie Wissenschaftler ("... practitioners ..., both experienced and novice, as well as ... academics"); als *casebook* wird es zudem auch für Studierende konzipiert worden sein. Doch sein Zuschnitt wird Anfängern (ob in Wissenschaft oder Praxis) den Zugang nicht eben erleichtern. Zu knapp fallen dazu die Kommentierungen aus, und zu wenig nehmen sie den Leser an die Hand. Dieser muss sich nach knapper Skizzierung eines Problems vielmehr schnell auf seitenlange Exzerpte einlassen, die zwar grundsätzlich gut ausgewählt, aber in Terminologie und Stil keineswegs einheitlich geschrieben sind. Studierende und unerfahrene Praktiker werden so vermutlich eher abgeschreckt als in das für sie fremde Rechtsgebiet eingeführt. Dies zumal es bedauerlicherweise an „Wegweisern“ fehlt: Der Band enthält lediglich ein ausführliches, aber in seinem Umfang von knapp 50 Seiten kaum handhabbares Inhaltsverzeichnis, nicht aber zusätzlich eine verkürzte Gliederung, die den schnellen Überblick ermöglicht hätte. Und aus unerfindlichen Gründen hat der Verlag darauf verzichtet, dem Band ein Register anzufügen; dies erschwert die Orientierung ungemein und ist angesichts des immensen Preises kaum akzeptabel.

Bei einem *casebook* dieser Länge, das nach und nach und nicht am Stück durchgearbeitet werden wird, wirken sich diese Mängel erheblich aus. Sie verringern zwar weder den Erkenntnisgewinn, den die Lektüre auch Kennern bereiten wird, noch schmälern sie die Qualität der dargebotenen Information. Doch sie erschweren die Orientierung innerhalb eines Werkes, das (wiederum ausweislich des Klappentextes) ja gerade Orientierung bieten soll, und beeinträchtigen so seine Nutzbarkeit. Insgesamt ist *Foreign Investment Disputes* somit zwar eine Fundgrube zuverlässiger Informationen. Aber die passenden Informationen in der Grube zu finden, wird dem Leser nicht eben leicht gemacht.

Christian J. Tams, Kiel

*Brian Raftopoulos / Karin Alexander (Eds.)*

**Peace in the Balance: The Crisis in Sudan**

Institute for Justice and Reconciliation, Cape Town, 2007; 157 S., ZAR 120/EUR 10,50; ohne ISBN

Sudan has been ravaged intermittently by protracted civil wars throughout its history as a sovereign state. After renewal of hopes by the conclusion of the Comprehensive Peace

Agreement in January 2005, which ended the Sudan's north-south conflict, struggles over power and natural resources have been the cause for other conflicts in the western and eastern parts of Sudan.

This book is essentially a collection of essays on the root-causes of Sudan's civil wars and the challenges facing the country in achieving a lasting peace. The book is published by the South African Institute for Justice and Reconciliation, which focuses on promotion of nation building and addresses the legal, social and historical dimensions of peace making in countries emerging from civil wars. The book is written by a number of scholars, academics and practitioners with specialisation and extensive work experience on areas related to conflict management, good governance, transitional justice issues and post-conflict peace building, especially in Africa.

In essence, the book attempts to trace the origins of Sudan's civil wars. In particular, it focuses much attention on the ongoing conflict in the western region of Sudan (Darfur). Within this context, the authors rightly point out that uneven development between the centre, especially Khartoum, and the rest of the country was the main cause of the many conflicts in Sudan. Furthermore, the book contributes to the rapidly growing literature on the field of transitional justice. In exploring this topic, *Sarah Crawford-Browne*, *Sara Basha* and *Karin Alexander* assess the Sudanese recently signed peace agreements<sup>1</sup> and outline the huge challenges confronting Sudan in sustaining peace and achieving reconciliation.

In Chapter one ("Sudanese Civil Wars: Multiple Causes, Multiple Parties – One Comprehensive Agreement"), *Sarah Basha* offers a comprehensive account on the root-causes of Sudan's north-south conflict by analysing the structural factors that led to that conflict and made it protracted. *Basha* rightly points out that the north-south conflict was a result of long-term economic and political injustice and not a religious war as it has long been perceived by outside observers. According to *Basha*, the outbreak of the conflicts in the western and eastern parts of Sudan indicates that the problem is not between the north and south of Sudan, but rather a problem of socio-economic imbalance between the centre and the rest of the country. *Basha* moves on to touch upon the various peace initiatives, which culminated in the conclusion of the Comprehensive Peace Agreement (CPA), in January 2005. *Basha* feels that the CPA suffers a major shortcoming in that it was structured around the north-south axis – rather than recognizing the rest of the country.

*Basha* continues in Chapter 2 ("*The Comprehensive Peace Agreement – Synopsis*") to outline the main protocols of the CPA, especially the Power Sharing Protocol, the Wealth Sharing Protocol and the Security Arrangements. *Basha* notes that the CPA has been exclusive and seen by many as an agreement between elites in north and south Sudan. This is because the CPA excludes the claims of the rest of the country by focusing merely on the north and the south. *Basha* argues that the success of the CPA depends, *inter alia*, on the

<sup>1</sup> The Comprehensive Peace Agreement between the north and the south (January 2005), Darfur Peace Agreement (May 2006) and the Eastern Peace Agreement (October 2006).

inclusion of other political parties and the demarcation of the borders between the north and the south. Yet, *Basha* casts doubt as regards the seriousness of Khartoum with respect to the implementation of the CPA. *Basha* thinks that peace would be difficult to achieve in Sudan without broader political participation, reconciliation and incorporation of the CPA into the broader socio-economic and political agenda of the country.

In Chapter 3 ("The Internal Post-conflict Dynamics") *Yasmine Sherif* and *Noha Ibrahim* focus on the implementation of the CPA in the north. It is within this context that the authors give special attention to the role of the Government of National Unity, political parties, civil society organisations, professional associations as regards the implementation of the CPA. The authors, on one hand criticise the slow progress on the implementation of the CPA, especially on issues pertaining to legal reform. On the other hand, they observe that progress has been made in the development of civil society, opposition politics and the promotion of the idea of the rule of law. On the question of who is to blame for delays in implementing the CPA, Khartoum and the South simply take refuge in the crisis in Darfur region (which diverted attention and resources) as an answer for delays in implementing the CPA.

In Chapter 4 ("The Battle for the South") *Sarah Crawford-Browne* tracks the enormous challenges facing the Government of Southern Sudan (GoSS) in attempting to set-up a system of government that will be capable of meeting the expectations of the southerners. In addition, *Crawford-Browne* offers insights into the problems within the structure of the GoSS which range from poor infrastructure, ethnic tensions to lack of transparency. These problems are coupled with the demands of the CPA on the GoSS to participate in the Government of National Unity (GoUN) in Khartoum.

*Crawford-Browne* moves on to give a balanced and interesting account on the future of peace and unity of Sudan. Within this context, *Crawford-Browne* observes that while some commentators view the CPA as a roadmap for a new democratic and inclusive dispensation for all of Sudan, other observers say that the CPA prepares the South for secession from Sudan. *Crawford-Browne* notes that lack of trust between the parties to the CPA and the exclusion of the southerners from decision-making (within the GoUN) will inevitably encourage the southerners to vote for secession. However, *Crawford-Browne* admits that lack of basic infrastructure, in the South, will make the secession costly for the southerners. To what extent the CPA can play a role in achieving a durable peace, *Crawford-Browne* is of the opinion that the true test of the CPA lies in the hands of those who are in charge of implementing the CPA and in the inclusion of other regions and parties with good faith. Yet, *Crawford-Browne* casts doubt as regards the willingness of Khartoum in implementing the CPA and feels that the parties to the CPA need to engage in a relationship of common vision and good faith. Furthermore, *Crawford-Browne* observes that building-confidence between the various ethnic communities, especially in the South should be a priority.

In Chapter 5, ("The regional and international dimensions of the crisis in Darfur"), *Ayesha Kajee* offers a remarkable account on the background to the conflict in Darfur by looking at its origins and considering the involvement of regional and international actors in that

conflict. *Kajee* explains the complexity of ethnic relations in Darfur and the danger of making simplistic statements such as sharp distinctions between Africans and Arabs, which is symptomatic of most current explanations of the root-causes of the conflict in Darfur. In *Kajee's* view, intermarriage and aggregation resulted in 'Arab' and 'African' being primarily national terms that have been politically manipulated in recent years. *Kajee* notes that Darfur's ethnic problems seem to be imported and that the conflict is about power and the oil potential in Darfur.

*Kajee* suggests that the conflict in Darfur has many interwoven causes. These causes include, *inter alia*, neglect by Khartoum and the involvement of international and regional actors in the conflict. As a ground for launching rebel activity in Chad and as part of Libya's *Gadaffi* broader pan-Arab ambitions, Darfur has become part of a complex interplay of forces. In addition, *Kajee* observes that the discovery of oil in Sudan has drawn the country into the strategic interests of China, whose veto power has blocked stronger actions to stop the violence in Darfur. *Kajee* proceeds to examine the attempts of the African Union (AU) to protect civilians and the difficulties facing it. *Kajee* thinks that expansion of the peacekeepers and renewing of the peace negotiations could improve the situation in Darfur. In Chapter 6 ("*Talking peace, making war in Darfur*") *Fanie du Toit* examines the shortcomings of the Darfur Peace Agreement (DPA) which was signed, in May 2006, by Khartoum and one of the factions fighting in Darfur. *Du Toit* argues that the main weakness of the DPA is unwillingness of the Government of Sudan (GoS) to disarm the militias (*Janjaweed*), a weak AU force and refusal of GoS to accept the deployment of UN peacekeepers. *Du Toit* argues that the failure of the UN to handle effectively the situation in Darfur indicates its limitations in intervening in areas of major human rights violations. *Du Toit* concludes by considering the DPA as having no impact in the situation in Darfur due to continuity of violence in Darfur. As such, *Du Toit* describes the DPA as a failing deal.

In Chapter 7 ("*Darfur – understanding a complicated tragedy*") *Susan Cook* and *Charles Mironko* provide another description of the history of Darfur region, the origins of the conflict there and its consequences, with special focus on describing the conflict as amounting to 'genocide'. The authors argue strongly that the crimes committed in Darfur amount to "genocide" in spite of the fact that the UN and the major Western powers are hesitant to describe the situation in Darfur as genocide. The authors argue that "there is strong evidence of genocidal intent behind the killing, ethnic cleansing, raping and looting". The authors move on to consider the role of the AU and criticise the late response of international community to the crisis in Darfur. The authors state that the lack of international intervention is due to the conflicting national, regional and international interests in Darfur.

Finally in Chapter 8 ("*Obstacles to Transitional Justice in Sudan*") *Sarah Crawford-Browne*, *Sara Basha* and *Karin Alexander* offer adequate overview of the various transitional justice provisions under the CPA, DPA and Eastern Peace Agreement (which was signed by the eastern rebel movement and GoS in October 2006). The authors pose the question of "what needs to be addressed in order for Sudan to move forward into peace"

and to “what extent the various peace agreements address the social, political and economic issues”. The authors are of the opinion that “the absence of real, solid peace and lack of unified leadership are the main obstacles to any transitional justice project in Sudan”. They also think that it is early to consider various judicial and non-judicial mechanisms in Sudan and state that any sustainable peace in Sudan will require addressing fundamental issues, such as economic marginalisation, national identity and political pluralism. Within this context, the authors observe that there is a sufficient basis in the existing agreements to achieve a sustainable peace in Sudan. In addition, the authors note that the traditional methods of conflict resolution need to be re-installed in Sudan.

The book provides a mixed bag of contributions. The Book is not sufficiently balanced as it focuses too much on the conflict in Darfur, thereby failing to provide a comprehensive treatment of the root-causes of the many civil wars in Sudan. For instance, none of the essays seeks to analyse the root-causes of the conflict in the eastern region of Sudan in any substantive fashion. In this respect, the editor of the book, *Raftopoulos*, confesses that “the rapid pace of change in the country and the complexity of the political process mean that most accounts of the problems in Sudan are quickly overtaken by events”. One particularly noticeable gap in the book is that it fails to discuss the system of governance as envisaged in the Power Sharing Protocol of the CPA, and to provide rigorous analysis of key protocols of the CPA, such as the Power-Sharing Protocol, Wealth Sharing, etc. Chapter 3 seems to overlap somewhat with Chapter 1 and 2 in that it repeats the causes of the north-south conflict and discusses the implementation of the CPA. The same is true with respect to chapter 7, which seems superfluous in the sense that it overlaps to a large extent with Chapters 5 and 6 in tracing the origins of the conflict in Darfur.

All in all, the book is a useful reading for those interested in understanding the root-causes of Sudan’s civil wars and the recent peace accords. It contains a meticulous contribution, by *Ayesha Kajee* and *Fanie du Toit*, on the root-causes of the ongoing conflict in Darfur. Their contribution is one of the most insightful analyses of the conflict in Darfur in that it shows how the present regional and global actors impact on that conflict.

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