

United States Institute of Peace
Association for Diplomatic Studies and Training
Sudan Experience Project

Interview # 45 –Executive Summary

Interviewed by: Sam Westgate
Initial Interview Date: December 8, 2006
Copyright 2006 USIP & ADST

Executive Summary

The interviewee was a former U.S. high-ranking official engaged in Sudanese negotiations both officially and unofficially since the 1990s. He was involved with the team that convinced Senator John Danforth that he should accept the appointment offer of special envoy to Sudan in 2001, and he has maintained his ties and contacts to that country to the present day.

The informant noted the lack of a single authority in Sudan with which to negotiate. The talks during this decade and the last depended finally on dealing with the bipolarity of the Khartoum authority in the North and the SPLM/SPLA leadership of the South. In that process, minority parties and interests were for the most part ignored or subsumed into the interests of the two negotiating parties.

The most important regional player in getting the North-South moving after frequent stalls and missteps was IGAD, and behind them, the Friends of IGAD. Of the African players, Kenya and Uganda stood out. The troika of the U.S., UK, and Norway emerged as the most important non-African players. The North did not really negotiate in earnest, until Ali Osman Mohammed Taha became involved.

Despite the successful conclusion of the Comprehensive Peace Agreement, the U.S. made some missteps along the way. The informant finds one of the more questionable ones to have been the unsuccessful invitation to both sides to witness the presidential State of the Union address in the U.S. in 2004. “And I regret to say, it is entirely typical that U.S. figures would believe that the most important thing any foreigner could imagine would be to be feted by the president of the United States.” The Sudan Peace Act was also viewed as a blunt unsuccessful instrument in trying to bring about successful negotiations.

The interviewee also finds too many unknowns facing the future of Sudan. There is Darfur, the upcoming national elections, and internal border uncertainties, as well as the 2011 referendum. He is more sanguine about oil revenue sharing, noting that the South had received 898 million dollars in oil revenue as of fall 2006. He also points to South Africa in hopes that it might provide the model or models to help healing and reconciliation if a durable peace could be established in Sudan.

United States Institute of Peace
Association for Diplomatic Studies and Training

Interview # 45

Interviewed by: Sam Westgate

Initial interview date: December 8, 2006

Copyright 2006 USIP & ADST

Q: Can you please describe the role you played in the negotiations on the Sudan CPA and at what stage did you enter the negotiating process?

A: I actually entered the negotiating process well in advance of its conclusion. The effort to bring about an end to the civil war in Sudan was a continuous effort of the United States, beginning in 1983, when the ten-year hiatus in the civil war broke down and the civil war resumed. When I got to Sudan August of 1995, one of the important matters on my agenda was helping foster a peace process. Now that went forward more or less smoothly, as has been detailed in a number of publications that cover the period I was there. My role in the CPA, actually it was my role and that of my wife, began in trying to help Senator John Danforth recognize his obligation to become the special envoy of the president of the United States.

We both spoke to Senator Danforth after the White House asked him to be the president's envoy in 2001, my wife arguing that because of his status as an Episcopal priest, he had moral authority--something that was absolutely vital in terms of both the politics of Sudan and the politics of the United States. I participated in the meeting at the State Department in then-Assistant Secretary Kansteiner's office, at which then-NSC official Jendayi Frazer, people who were doing Sudan in the bureau, Bob Oakley and Senator Danforth were present, just before he finally accepted the invitation to become special envoy and was at the subsequent Rose Garden ceremony on I believe it was about the 4th of September, just a week before 9/11, in which the president publicly announced Senator Danforth as his envoy.

Q: Just prior to Senator Danforth's being named as the special envoy, what would you say were the key factors in place that led to a kind of consensus that something had to be done on Sudan?

A: I will point to two events and give my analysis of them. The first took place in May of 2000, the last year of President Clinton's administration. It was then that the United States finally accepted the three-year old Sudanese invitation to send a counterterrorism team to Khartoum. That team arrived with, I subsequently learned, a six-point list. Analytically speaking, that decision marked the end of the practice under which the United States refused to engage with Khartoum at all. It was a policy of the then-Assistant Secretary of State for Africa, her NSC mentor, and those close to her, including the person who replaced her as NSC Africa director, Gail Smith and an NGO activist who moved to the State Department with her from the NSC. I got the full readout on that

when I visited Khartoum in January 2001, as part of a personal effort that Sudanese businessman Anis Haggar and I decided to undertake to see if we could use the circumstances of a new U.S. administration on one hand and a new five-year presidential term for Omar Bashir on the other, to try to get some contact ignited between the two. Part of that visit in Khartoum included a chat with the director of the External Security Bureau and his deputy. Those two Sudanese intelligence and security figures told me that they believed they had satisfied all points on the American list and that with the new administration coming in they would start with a new, clean slate.

I believe that the new administration accepted that. There was an initial offer made to Dr. Chester Crocker in May of 2001, to become the special envoy. He ultimately declined, and he can give his own reasons.

And I continued my conversations with Sudanese figures. I believe it was in about May that I went to Nairobi and I saw there John Garang and Riek Mashar, both estranged leaders of the Southern resistance, and then I traveled through Uganda to the town on Yei, in the south of Sudan. That town had been seized by the Sudan People's Liberation Army in its 1997 offensive, the one that was conducted with the active assistance of the Ugandan and Ethiopian military. I had a long chat in Yei with Salva Kiir, who of course replaced John Garang after the untimely death of that southern Sudanese leader. Following that, I met in London with Mohamed Osman Mirghani. And essentially, once John Danforth got in place, there did not seem to be any purpose served by having private channels engaged in negotiations. I ended my activity with Anis Haggar and did not get back to Sudan until August of 2002, as part of a delegation of Americans who went to Khartoum under the auspices of Al-Mustaquilla Arabic language radio, based in London. The director was a Tunisian who had fled to Khartoum. At the time he took refuge in Sudan, he was close to the Sudanese Islamist intellectual figure, Hassan al-Turabi.

It was also at that time that my wife's idea to do a book about Sudan bore fruit, and she asked then-First Vice President Ali Osman Mohamed Taha what he thought about the idea. He immediately accepted. She told me that he had accepted the idea of a book. He recommended a Sudanese figure to be an advisor for it. And from the hotel in Khartoum, I immediately called the spokesman of the rebel Sudan People's Liberation Movement and Army, Dr. Samson Kwaje, and Dr. Kwaje immediately embraced the idea. Thus, we had a go from the authorities in Khartoum and from the rebel authorities in the South, because we had decided that the book would cover all of Sudan today. What that effectively meant was that I spent the next three and a half years, with our photographer friend, Michael Freeman and with Vicky, visiting Sudan--six separate trips, 21 weeks, to do the photography, to interview and to talk to people.

Q: How did any of this activity that you were doing with your wife on the book intersect with the actual negotiations that were going on at that time?

A: In January of 2004 I sat down with Vice President Taha, who was visiting Khartoum from the negotiations in Nairobi and we spoke very, very bluntly and candidly about Darfur. And I made serious suggestions for serious Sudanese engagement to answer the

grievances of the people of Darfur, essentially arguing that failure to do so would put the *bona fides* of the government in the negotiations with the Southerners at question. In addition, I spoke regularly in Khartoum and in Nairobi with the Southerners or with Northern Sudanese who were close to Vice President Taha.

Q: In that regard, could you outline for us a little bit who you thought the most significant Sudanese players were at the time, leading up to the CPA agreement?

A: There is absolutely no question that, at first, the Northern Sudanese strategist was one of the smartest of the Islamists in their number. He had been secretary general of the National Congress Party, replaced by Turabi, minister several times, from an Ottoman family, Ghazi Salaheldinattabani was the initial negotiator. He had been negotiator with the Southerners over the preceding years, let us say five or six years, and negotiations went nowhere until Vice President Taha took them over. Thus, if you look at the north of Sudan, Taha is the essential figure. Now, in the South, it was only Dr. John Garang who counted in those negotiations.

Q: Would you describe, on both sides, that the two parties were key to the whole issue? Would you describe their roles as constructive?

A: You correctly made the point that the negotiations were between essentially two parties, the Islamist authorities in Khartoum and the SPLM/SPLA movement and army in the insurgency. At the same time, I was also speaking in Khartoum with former Prime Minister Sadiq al-Mahdi, the great-grandson of the Mahdi himself and with members of Mr. Mirghani's party in Khartoum, the Democratic Union Party. They objected to being excluded from the talks. They argued that the talks risked suffering from the fatal flaw that ultimately unraveled the 1973 peace agreement. That agreement was a deal cut by the dictator of the moment, Jaffar Nimeiri, without buy-in from the rest of the Northern political, social, religious establishment. And I think you will hear similar criticisms to this day from the party of Sadiq al-Mahdi, the Ansar, as they are known, the Umma Party, and from elements of the DUP that have not been brought into the new coalition authority that runs Sudan in the wake of the January 2005 Comprehensive Peace Agreement.

Let me add another footnote here. If you look at the way Sudanese negotiate, unless I anticipate a question, the first thing you have to understand is that today and indeed for the last five years, there has been no single authority in Sudan. There is nothing like a vanguard political party, like the Chinese Communist Party or the Communist Party of Vietnam or, in the old days, the Communist Party of the Soviet Union or the Baath in Iraq. There is no single such entity in Sudan, but rather you have an Islamist movement that fragmented five or six years ago. You have the so-called sects, the Ansar, of the al-Mahdi family and, you can argue, the Khatmiyyah Sufi sect that is the core of the Democratic Union Party. And then you have Easterners, the "Fuzzy Wuzzy" of Kipling, the Hadendowa clan of the Beja, hold forth. You have the Nubians in the extreme north of Sudan and the south of the Egypt. And then you have the Westerners, whose unhappiness with the riverine Arabs manifested itself in the insurgency that began in real

earnest in February of 2003. And this is not to talk about the varieties of Southerners with all bringing their own particular styles to negotiation.

Q: Maybe we can shift a little bit, your having described some of the various ethnic and religious groups active in Sudan. What do you feel were the roles of the international organizations, whether IGAD, the UN, the EU or the AU?

A: Well, the AU did not really exist, for the purposes of the negotiations. The essential entities that affected the CPA were the Intergovernmental Authority on Development, which was a modern version of the Intergovernmental Authority on Drought and Development, throughout the drought, subsuming it in development, the original grouping for the Horn of Africa, within which Kenya played the major role in realizing and mediating an agreement through the agency of General Sumbeiywo and, affiliated with IGAD, were the Friends of IGAD, the partners, which was essentially a grouping of European countries, Italy, Netherlands, UK and the United States. Towards the end, the Scandinavians, particularly the Norwegians, became particularly active and successful. Those two groups were absolutely vital.

Q: How did the U.S. delegation relate, from your observation, to these other international actors? Was there harmonious cooperation, were there significant differences, was there seemingly a smooth path to certain objectives?

A: The only thing I can speak to is the relationship with the British, because the British special envoy for the process had been Her Majesty's ambassador when I was in Khartoum. I'm speaking of Alan Ghoulty, who is married, in fact, to an American who used to work in INR. In fact I spoke with Alan from time to time when I went through London on trips to Khartoum and there was enormous skepticism that Khartoum was serious about coming to closure on negotiations and actually realizing peace. I confess I cannot give you the month that that skepticism changed to certainty that they were actually going to do it, but there was skepticism at the outset, largely because the tactic of the North for so many years had been to seem to get to closure, then to back off a little bit and then try to bring another player in, so that things would have to start all over again. A foreign player, usually. Some foreigner had the chimera of the Nobel Prize in front of him, who managed to bring peace to Sudan.

Q: How about the non-state actors, NGOs and religious groups of one sort and another? Were you able to observe their interplay, either in the negotiations themselves or leading up to the CPA agreement?

A: I spoke with some. The International Rescue Committee people, for example. There is an organization in Kenya, which the former Kenyan politician Bethuel Kiplagat is active in. Also I spoke with the Sudan Council of Churches, which was probably especially active on the South. I would occasionally see exiled Southerners; Francis Deng, here in the United States and Bona Malwal in London, who was very much at odds with his fellow Dinka, Dr. John Garang. There was a huge atmosphere of suspicion and doubt that the North was serious about actually coming to closure. I myself concluded

that the North was going to do it when Taha got engaged. I had known him, he was then Sudanese...

Q: You mean engaged in...?

A: ...Directly in the negotiations.

Q: And how about the role of the regional states and the regional mediators? Do you think they were significant players?

A: Well, I have already suggested that Kenya was vital. Ugandan President Museveni, once he began to work out a better relationship with Kenya, I think he was an absolutely key element there, because of the role that Uganda had in supporting the military efforts of the insurgency. Easing of tense relations between Kampala and Khartoum was especially important to moving this process forward and to guaranteeing a peace. The one thing the Southerners absolutely needed was, first of all, acceptance (it took the United States some time to realize that they must have the right to secede) and two, that there would be solid guarantees that the process would go forward.

Q: Any of the other neighboring states?

A: I believe that Ethiopia was a vital player here. Eritrea -- I am afraid that Mr. Afewerki's eccentricities make his role very difficult to assess.

Q: And how about the major powers themselves, other than the U.S.? The UK and Norway we have mentioned.

A: The troika, the U.S., UK and Norway, were especially important in presenting a unified view and assuring that monies for building the South would be available. That was an important aspect to the Southerners of entering into this six-year process that the CPA sets forth. What you might wonder is the role of the people who were engaged in the extraction of oil in Sudan: the Chinese role, the Malaysian role, ultimately the Indian role. The Indians took over from the Canadians when the Vancouver firm Talisman sold out to the Indian national oil company. I did not talk to the Chinese at all when I visited Khartoum and I simply cannot tell you, but I believe that the Chinese role is vital now in two ways. One, in helping Khartoum realize the necessity of a durable solution in Darfur, on the one hand and, two, in ensuring that the process underway towards construction in the South on the one hand and towards new attitudes in Khartoum, on the other, accelerated.

Q: Since you have mentioned the issue of oil and certainly Chinese and Canadians and other players, as you know, in 2011 there is slated to be a referendum in the South concerning the South's role, whether they will secede or not. How will the oil play into this? If the referendum takes place, will they have needed by that point to have an equitable division of oil resources? What do you foresee being the problems they are going to face for the next five years, particularly in regards to the oil region?

A: I think we first need to look at the elections that will take place in, what, 2008? That's going to be key. Is President Bashir going to run again? Will he try to pass the torch on and if so, to whom? Will there be a national political party created? That will be a far more important test of what might happen in 2011. If you can create a national political party, it seems to me you have got some hope for keeping Sudan a unitary state.

Now, the oil money is already flowing. The South has gotten, the last figure I saw, I think as of September, October, was 895 million dollars. I have no difficulty believing that the money is going to be there. Now whether the South can use it or not is another question. And then there is a huge worry, as we have seen all over Africa, that oil money will start leaking into peoples' pockets.

Q: So you think, in terms of the present division of the oil resources right now, both North and South are more or less content?

A: That is my understanding, yes. Now your exception is -- and where I do not have a clear understanding -- what is going on in the three so-called marginal areas, and that I do not know. Abyei has obviously proved to be a very tough nut to open and I am not sure quite what is going on there. It seems to me these issues are being pushed down the road and that may be the only sensible thing to do about them at this point.

Q: And you are saying that in terms of the border issue...?

A: Do these people want to be part of the North or part of the South? And under the terms of the agreement, it becomes very hard.

Q: During these negotiations themselves, do you feel that the U.S. always played a constructive role--from your observations? Was it an appropriate role?

A: We completely failed in an effort to force a signature on the negotiations to get the leaders of the two sides to the State of the Union address in 2004. It was clumsy and failed.

Q: Why did we invite them to come to the event?

A: To have the agreement signed, so that they could be present, they could be invited to come to

Q: To the U.S. for the...

A: State of the Union. Very clumsy. And, I regret to say, it is entirely typical that U.S. figures would believe that the most important thing any foreigner could imagine would be to be feted by the president of the United States. That sort of arrogance and hubris is a signal failing of every administration with which I have been associated. It is an American failing, I must say. It is one of our character flaws.

Q: Do you feel that our interventions have for the most part been timely or have there been missteps? You have mentioned this misstep.

A: That is the most glaring one. Well, we do not need to go back into the history, where we have made repeated missteps over the last 13 years. On this particular set of negotiations I think we were pretty good. In fact, Senator Danforth was the vital catalyst. The United States' role was vital-- the Sudanese wanted us on the scene.

Q: You have mentioned Danforth before, but I want to come back to another subject here. Being an ordained Episcopal priest seemed to bring something to the table that would not normally be there and that was recognized by the Sudanese parties. But what was the impact, in your opinion, of the Congressional passage of the Sudan Peace Act in October 2002? Did that seem to move things along?

A: No, far from it. All of that nonsense, which is what it is, all of that nonsense has a milder self-defeating effect than you might otherwise believe. It has very little in the way of positive impact and, indeed, as one of my Sudanese friends dismissively said to me, "Sanctions, yes, that is the American *fatwa*."

Q: So you think something like the Sudan Peace Act really has more effect on, let us say, U.S. constituents than certainly an impact internationally?

A: It is an irritant. It certainly causes anyone interested in serious negotiations anywhere, including Sudan, a certain dismay, but as for motivating behavior, no, I do not see it. Do not see it. We can talk about sanctions on South Africa, where entirely too many American politicians believe that they were critical. But that is a whole different discussion.

Q: If we could turn to implementation, what do you view as the major problems with the agreement as regards implementation?

A: Well, it is clear that right now the major problem, the focus in Khartoum is on the West, on Darfur. They successfully negotiated wealth sharing with the Beja, it was signed about a month ago. And I do not know if they are talking with the Nubians or who they might talk to, but there are so many Nubians that are part of one element or another in Khartoum that I would hope they are. There appears to be a recognition by the authorities in Khartoum that there are grievances outside the immediate riverine Arab areas. But unfortunately that insurgency in Darfur has blurred the focus on realizing the terms of the agreement with the South. That is one problem.

The other problem is the great lack of human and physical infrastructure in the South and the inability, therefore, to be able to absorb the amount of assistance that is ready to flow. And indeed AID, I gather, is working on capacity building. You also have just plain bloody mindedness, and we saw that erupt in Malakal last week. And that should not

surprise anybody nor should it be a deal breaker. But those kinds of incidents need to be addressed.

And that is presumably why you have an international monitoring entity. And that, initially the monitoring effort was established, the monitoring effort for the Nuba Mountains agreement, for example, was slow getting started. And then there was a broader monitoring effort, joint military teams, and what have you. Way too slow getting started. The AU presence in Darfur is similarly, except even more critically, slow and inadequate in its size and its capability. I would look at the international monitoring effort to see if it is sufficiently robust and if the mandate is adequate for the job.

Q: What do you feel are the most important lessons that we can learn from the negotiating process that led up to the CPA?

A: One, I think, the key one, very successfully done, was establishing a base of common perception and knowledge of both the sides. For example, CSIS did a series of very focused study groups with Northerners and Southerners on the oil business and what it meant and how it worked and it was exceedingly well done. My own experience there is clear evidence that certain concepts needed to be explained in great detail. For example, in the early days many were talking about a ceasefire.

And I sat down with Ali al-Haj, who is from Darfur, who was close to Turabi and is now eclipsed, because he was so strongly caught as a minister at the time. This is really before the negotiations got underway. And he asked why I was so against a ceasefire and I explained to him that ceasefires only exist, effectively, if you have a group that can monitor them, that can quickly move to the site, that can take communications from all the parties and that has the authority to redress events once there is a violation of the ceasefire. In other words, there just simply was not an understanding that a ceasefire is a process, rather than an event, rather than a declaration. And these sorts of things were brought home to both parties in sufficient detail to get them to buy into them.

Now the other thing is--and this is also a great failure of United States diplomacy--you have to listen. You just simply have to listen.

Q: So you feel that the U.S., as well as it seems some other members of the troika, have been shall we say a little bit tone deaf or...

A: I think the U.S., more so than either of the other two parties.

Q: The UK or Norway.

A: Now, the Norwegians, they tend to be much better at listening, probably because they are a small power and do not feel they have weight to throw around. And the British were so skeptical that, I do not know this, but I wonder whether they might have been less willing to listen. Also, to give the British a break, there is a huge chip on the shoulder of a lot of Sudanese when it comes to looking at the British. It can be more

difficult for them because of that, because of history, because of the Condominium, because of the failure of the British to develop the South adequately, because of the policy that restricted the Northerners from going into the South during the period of the Condominium.

Q: Some other people also note that traditionally the UK Foreign Office viewed Sudan really as an Arab country, rather than as an African country, that Arabists dominated the study of Sudan and that might have been a factor in their initial engagement.

A: I do not think so. I think the observation is correct that there were infinitely more Orientalists in the Sudan Political Service, which was truly an elite and exceptional body of people. But at the same time the British clearly recognized the South was Africa, because they, effectively by policy, prevented the North from trying to assimilate it. They gave education to foreign missionaries, for example, and prevented the southward expansion of Islam and Arabic culture. It did not work. Indeed, the *lingua franca* in much of the south of Sudan, probably up until this day, is an Arabic patois called Juba Arabic. And many of the Southerners could only talk to each other using Arabic.

Q: We have already touched on this a bit, but to what extent did the peace process and other negotiations between North and South lay any foundation for violence in Darfur? Is there any connection and if so, what are the connection points?

A: I think the connection between the peace process and violence in Darfur is that the opponents and the enemies of the authorities in Khartoum saw an opportunity to discomfit Khartoum. They used unhappy Westerners, funneling money and then guns to them, in order to foment an insurgency, at a period when Khartoum was entirely focused on trying to get a peace process with the Southerners.

Q: So you see opportunism, more than anything else, at play?

A: I think the particular culprit here was Eritrea.

Q: Do you want to expand on that?

A: No.

Q: Are there any other observations that you would like to make about the CPA or either the U.S. role or the role of other international players?

A: South Africa. Now I argued from when I got to Sudan in 1995 that the South Africans might have something good, some good role to play. And I subsequently used the vital question of national reconciliation and the South African example. I asked interlocutors, both from the North and the South of Sudan, about the best way to effect it. Do you do an amnesty, do you do courts, do you do a truth and reconciliation commission? They have not come to an answer yet in Sudan and that question is still waiting, because of what has happened over the years.

Now, for the Arabs, traditionally you would do *diyya*, blood payments, but the scope and scale, especially in Darfur, is so large it is hard for me to imagine that. Plus, you have the problem that one magistrate in Darfur voiced to us when we were there on our photo shoot in Darfur, is that *diyya* payment by a client or a whole ethnic group to another essentially results in impunity for the individuals who have committed the crimes. That is quite an accurate observation, but to get around that means changing cultures.

After I came out of Sudan, I retired, in fact, so it was not until about 2001 that I had the chance to have dinner here in Washington with F.W. de Klerk. We talked about Sudan and by then the oil had come on stream. In 1998 oil began to be pumped out of the Heglig fields, north of Bentiu. And “Effie,” as he is known in South Africa from his initials, basically said that as long as you have an issue of oil, he could not see how the Northerners would be willing to make peace with the Southerners. But South Africa stayed interested, tried to broker talks between Bashir and Garang, unsuccessfully, before Mandela left, even and essentially stayed interested and engaged and, indeed, Thabo Mbeki was in Khartoum in December of 2004. He talked Bashir into going to the Lake Naivasha negotiations on the day that they signed, the North and the South delegations, signed the last two protocols of what eventually, ten days later, made up the Comprehensive Peace Agreement. So I think where I am going on this is that for realizing the CPA, keeping feet to the fire on that, South Africa will have a vital role.

Q: Do you think the model of a truth and reconciliation commission is perhaps the most significant? Is that the one that would work in Sudan?

A: Probably not.

Q: So which model do you think perhaps might have a chance?

A: I do not know. I honestly do not know. I think you are going to have to put some people in jail. You are going to have to have broad amnesties. And there may be scope for a modified truth and reconciliation effort.