

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

Interview # 22 –: Executive Summary

Interviewed by: Marilyn Bruno
Initial interview date: September 12, 2006
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The Interviewee is a State Department official who has been dealing with refugee issues since 1983. He is currently working on the return and reintegration of roughly half a million refugees found in Sudan's neighboring countries. Many of the refugees have been outside of Sudan since the beginning of the second phase of the civil war in 1983. Since some of the refugees have ended up in the same refugee camps that they had been in as children, when their parents fled Sudan during the civil war that ended in 1972, "that colors their attitude about whether to go back now, how durable is this Peace Agreement. Is it really the time to go back and make an investment?"

No host country can force the repatriation (*non refoulement*) of a refugee who fears persecution or violence back home, but the UN High Commission for Refugees Convention does not permit a refugee to remain in the host country for his personal convenience. The problem is finding the balance between the CPA's compressed timeline for returns, and the reality that many refugees may not want to go back home. The two million internally displaced people (IDPs) who moved to areas in and around the tri-city area around Khartoum and who far outnumber the refugees, face the same unanswered questions that the refugees are raising: "Where is home? Who had what land? Who has the land now? Are there enough resources, including water, for all?" The Sudanese politicians are not providing all the answers. In fact Southern officials are leaving land ownership questions up to tribal chieftains to resolve.

Yet both sides clearly have a stake in the issue of return and reintegration. "If a whole village shows up and creates a new constituency, in effect, then they would be eligible to have a representative." If only one or two people return, they just fold into some other constituency. "The Government in Khartoum would probably not want to see all the internally displaced leave Khartoum and go to the South and beef up the voter rolls." Since the notion of absentee ballots has not been approved, the U.S. Government would like refugees and IDPs to go back to their "homes" and register to vote. "You can't disenfranchise half the population and expect to have a legitimate outcome." The Interviewee notes that return home is just as uprooting as the initial flight. Currently, every family is making their choices as they go. Some women, who had the opportunity to become educated as refugees, are now "really afraid about what's going to happen to us as women go back home."

In the Interviewee's opinion, it is incumbent on the international community to help each family make their decision to return at an appropriate time. The United States has invested heavily in anticipation of a spontaneous return of refugees and IDPs to Southern Sudan, but other donors have not. This has left NGOs unable to provide the water supplies, housing, schools, and clinics required for a smooth transition. Unfortunately, the infrastructure issues were not, and possibly could not have been, addressed in the CPA. One recommendation would be for a Special Representative of the UN Secretary General to be appointed to help move things along, despite the disruptions from Darfur. "The worst case scenario is that the South votes for independence, the North says, 'Fine, let them go,' knowing full well that then it will dissolve into another full civil war ... At that point, the rest of the world will say, 'Just let those people do each other in. We've already tried too much in the past.' It will be a real humanitarian mess."

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Q: We look forward to hearing your comments on the CPA implementation. What are the mechanisms contained in the Agreement specific to your area of expertise?

A: I can give a little bit of background about my involvement with CPA implementation and the relevance. I have been a State Department official working on refugee issues for a long time. I have been here since 1983. I've seen Sudan in a lot of different contexts over time, and had been to Southern Sudan even before this latest phase of the civil war, the second phase, now over, we hope for good. This last phase of civil war broke out when Sudan was hosting lots of refugees from Uganda, Ethiopia -- at the time it wasn't Eritrea, it was all Ethiopia -- Chad, and Zaire, as we called it then. Sudan was one of our best friends on the continent of Africa, and received the greatest amount of money in terms of development assistance. Sudan was a real, true partner on refugee affairs, including the whole "rescue" of the Falasha, the Ethiopian Jews who came out during famine and ended in Israel.

The primary effort that we're working on right now on the refugee side of things is the return and reintegration of roughly a half million Sudanese refugees, who are found in every single neighboring country of Sudan. I am not talking today about the refugees from Darfur, and your project is not on Darfur, but it's inescapable to mention. These events have coincided in time, if not in players. I would say they coincided very much in players as well. A lot of people will say that Darfur sucks the oxygen out of this CPA.

My efforts are focused on trying to get these refugees back, many of whom have been out since more or less the beginning of the second phase of the civil war in '83. A number of them, their parents, grandparents, etc. had been refugees in the earlier phase of the civil war, the one that was ended with the Addis Ababa accords in '72. Many of us come to the issue episodically, but the Sudanese themselves, the neighboring countries themselves, have been living with displacement for decades. When they see us, they say, "Oh, here comes another one with a new idea about how things ought to get done." Some of the refugees even ended up in the same refugee camps that they had been in years before. So, that colors their attitude about whether to go back now, how durable is this Peace Agreement, is it really the time to go back and make an investment?

One thing the CPA does is give a very specific and compressed time line for transformation in Southern Sudan. That's kind of unusual in the refugee business,

although it is not totally unheard of. When Namibia became independent, the world went to a UN Security Council Resolution that had been passed in the 1970's, probably 15 years earlier. It was such a hassle to get that Resolution through when Namibia was called Southwest Africa and controlled by the *apartheid* regime that everybody said, "We cannot open up these questions again. We have to follow the exact time line that was laid out in this Security Council Resolution."

So, here you have the six-year interim period. You've got a census coming up. You've got the vote for independence or unity, and ideally we'll have all of the refugees back very quickly in order to participate in all of that. But, as refugees are people just like everyone else, they make their decisions based on their own personal calculations about how durable the peace is, what awaits them back where they came from but where they maybe never lived. The young people, for example, may have been born as refugees and don't really know what to expect. It depends in part on the attitude of the host countries. There's a principle in refugee work called *non refoulement*.

Q: Which means?

A: It means no forced repatriation of someone who has been found to be a refugee. In many instances, the French have much more artful ways of saying things. Basically, *non refoulement* is the core principle of the Refugee Convention and all refugee work. You don't send refugees back to a place where their life could be endangered.

Q: How do you define the majority of the refugees? Are they impoverished to begin with, because they were kicked out of their homes where they were living in squalor, or were these business people, or self-sufficient farmers who were kicked out?

A: Full range. Refugees are a slice of population, just like everybody else.

Q: Shopkeepers, professionals?

A: Farmers, herders.

Q: I get the impression when people are in a refugee camp, that they've always lived in tents.

A: Oh, I know. When we ask, "What is a refugee?" I don't know whether it feeds our own notion somehow that we're helping people who are downtrodden, desperate, and eternally grateful for everything we've done for them. No, no and no.

Q: Their lives have been completely disrupted.

A: Right, but they have made new lives, in many instances, in refugee status. Not everybody is in what you would call camps. So that's one aspect that you have to keep in mind. It's a slice of humanity. Some people are smart. Some are dumber than a brick. Some are rich, some are poor.

Q: Half a million displaced people.

A: Well, they call them refugees when they're outside the country and have a well-founded fear of persecution. In the African sense, the OAU -- now the AU, but it's still called the OAU Convention on Refugees -- expands on the Geneva definition that most of the world uses. It takes into account people who have fled generalized conditions of violence. If you showed up at the door of the United States and said, "I'm seeking asylum," you have to prove that you individually were persecuted. Whereas if you're a Sudanese showing up in Uganda, you just have to say, "I'm a Sudanese fleeing the civil war," you pretty much get what they call *prima facie* refugee status. Where it comes into play, it is important because there are internally displaced people (IDPs) in Sudan who far outnumber the number of refugees, although the numbers are to the nearest million, always. Counting is an inexact science.

Q: The IDPs are still in Sudan?

A: Correct. Roughly two million displaced throughout what we call the South and two million moved up in and around Khartoum, in the tri-city area. Talking about return of people, the whole issue of reintegration and coming back to rebuild a community is pretty much the same whether you're physically coming from Ethiopia, Kenya, Uganda, DRC, CAR, Chad, Egypt, Libya, as some internally displaced person returning. We try to do everything in terms of return on a community basis, so that you're not inadvertently creating still more hostility by putting labels on people, like this person was a returned refugee and this person is a returned IDP, this person never went anywhere. You don't want to create more hostility than was there already. But a refugee cannot remain a refugee. There's a bright line in the UNHCR, the UN High Commission for Refugees Convention that states that you cannot remain a refugee for your own personal convenience. Someone in Ethiopia can't decide, "Well, I was born in Ethiopia. All my children were born in Ethiopia. So I'm just going to stay here." This is not permitted unless Ethiopia says, "Fine, we'll let you stay, make you a citizen, give you a legal permanent resident alien or some kind of status like that." Now, that assumes that the host Governments actually wants to go to the bother of doing that. An IDP is a Sudanese citizen who is displaced within his own country. A refugee is displaced outside of Sudan, even here in Washington.

So, IDPs can be in Khartoum, say, from the South. At what point are they IDPs? They're Sudanese citizens. Can't they live wherever they want to in Sudan? I don't know if you have had the chance to go, but Khartoum is sort of the equivalent, if you will, of New York City, and the South is desperately undeveloped and has been for decades. So, if you've been living up in Khartoum, gone to school there, and have a job, why not stay? There's an assumption that people will want to go back home. But, the questions are "Where is home? Who had what land?" There's no love lost among all the Southerners. You have to understand that, when we see those conflicts play out in a refugee setting as well. Sometimes, you have to move people to a different camp because there have been clashes and killings. People take their disagreements, whether tribal or

otherwise, with them wherever they go. Do you have to go back to the exact place you came from? Well, maybe yes, maybe no. Maybe it's a practical question, or a legal question. What if somebody else is living on your land? Fortunately, Southern Sudan is very under-populated, in the sense of you're not going to run right into people. On the other hand, it doesn't have a whole lot in the way of resources, water, and that kind of thing. You do have competition over the best places to live. Because there are so many people displaced in the South, one of the things we've seen in terms of refugees going back is that sometimes you have to get a displaced person off the land so that the refugees can come back to it. There have been some hostilities -- hostilities might be too strong -- but some disagreements over that.

Q: Under Property Law, though, squatters acquire rights after so many years of notorious, open possession of the property.

A: That's the position of officials from the Government of Southern Sudan. They will tell you that, for the cities, they are going to have what we would call a modern property law. But everywhere else, the traditional systems and the communities themselves will decide who is allowed to have what, based on traditional chieftains. As you scratch deeper at these things, you find that everything about refugees, and IDP's too, is political. The reasons that created them and necessitated their flight, where they are now, how long they're there, all depend on the political agreement to have peace so they can come back. Politics, politics. Apparently folks are going to be allowed to have representation in the new structures in Southern Sudan based on constituencies. So, if a whole village shows up and creates a new constituency, in effect, then they would be eligible to have a representative. One or two people coming back don't get anything special. They just fold into some other constituency. So, clearly, your politicians have an interest in who's going to be living where. Clearly, the Government of Southern Sudan has an interest in who is coming back when. Clearly, the Government in Khartoum also has an interest in who is coming back and when, depending on what outcome they want to see. But a lot of people will posit that the Government of Southern Sudan might have been different had John Garang lived and been the President. They will say, "Well, a vote for independence is inevitable." I don't know whether it is or it isn't, but let's assume that it is. The Government in Khartoum would probably not want to see all the internally displaced leave Khartoum and go to the South and beef up the voter rolls there. Of the refugees, some are partisans of the current Government in Southern Sudan, others are not. So, they may be encouraged, selectively, to come back or not, depending on who assumes that they are going to vote, how, at what point in time.

Q: Absentee ballots?

A: No, not at this point. We're tried in some different refugee situations to get an absentee ballot during elections, because very frequently elections will be a capstone of a transformational process and we want refugees to be able to participate so that they're not disenfranchised. At the same time, people probably should go back and indicate that they want to be there and register. So, for example, many years ago in Angola in an earlier peace agreement, or like the Congo these days, a Presidential candidate had to win by

more than fifty per cent. And Savimbi, who was still alive at that point, lost the election to Dos Santos, but Dos Santos got something like 49.34 per cent of the vote. So, it had to go to a runoff. Then the war broke out again, and it went on for another ten years before Savimbi got killed. Then it all came to an end. But we said, "Look, if you took the four hundred thousand Angolan refugees and figured how many would be of voting age, if they had been able to vote, who would they have voted for?" It could have swung one way, when it was that small a margin, which seems kind of manufactured, anyway. The outcome might have been different, and the history might have been different. You don't know.

In Liberia, half of its population was displaced or in refugee status. So you're talking about half the population not having a say-so in an election that's supposed to represent the culmination of a peace agreement. In reconciliation, everybody is supposed to have a voice and then they move on from there. You can't disenfranchise half the population and expect to have a legitimate outcome.

But people have never really been happy about giving refugees an absentee ballot, including the host countries, who worry, "Oh my gosh, we're going to get all these politicians coming over to our country, stirring up trouble and we don't want that!" Or they want to say, "Wait a minute, let's get these people out of here. Why should they stay and vote here? Just tell them; they have to go back and vote!" And so there's not one right answer.

Q: One of the lessons learned, then, is that the CPA did not provide for refugees in the election process, which is only three to five years away. The South remains underdeveloped. There are no schools and infrastructure for families to return to in the South. It seems that the dates set by the CPA are wonderful on one hand, because they create an end date in view of everyone. But on the other hand, the dates could skew the outcome of the elections by leaving too many potential voters outside of Sudan.

A: It could.

Q: Have you seen this process in other countries?

A: Here's one observation on it. The voting rate in our country is dismal, right? Why should a refugee have to vote? If they choose to be non-participants by not going home, who cares? We would like to see everybody vote, of course. We would like to see a hundred per cent participation in all these things and for it to be meaningful. But you can't force somebody to vote. And you can't also say, "Well, you didn't vote. Therefore you forfeited every right to political opposition or armed rebellion or whatever." Or you could say it, but you'd just be talking to the wind on that. So I think refugees were taken into account in the CPA and in some of the run-up documents. The Machakos Protocol, which was one of the precursor documents, actually talked about refugees and the importance of having a process for getting them back. It talked about the importance of welcome *cum* amnesty for people. Most refugees would say, "Why should we be amnestied? We didn't do anything wrong. We fled for our lives." But frequently there

will be an amnesty or an indemnification process that says, “Okay, we’re not going to prosecute anybody for whatever they did,” and that’s supposed to build confidence so people will come back. So I think the CPA, as much as anything, did take refugees into account. You don’t want to overly-advantage refugees to the detriment of somebody else. Some IDP’s might have become refugees if they had been close enough to a border, in some instances. I think some people trekked a long way out of Sudan.

Trying to get people to go back is an issue. They don’t have the choice to stay forever where they are, but you don’t want to push people back prematurely, both because you don’t want it to be destabilizing and second because you can’t do it, anyway. Most countries can’t really round up refugees and push them back. If a country said, “Okay, we’re closing this refugee camp today. Everybody out!” there would be an international furor. So, in a way you’re always trying to balance how to get the best outcome. But, at a certain point, you have to say, “No, we’re not going to accept any more refugees.” And it’s very hard to get to that point, because there’s always something going on.

For example, last year, it looked like it was going to be great to get all these people from Kenya, DRC and the Central African Republic back into Southern Sudan. Well then came the Lords Resistance Army out of Northern Uganda moving into Southern Sudan, attacking humanitarians, cutting the roads, and ending repatriation. You’re not going to send people back to a situation like that. Then the LRA moved into the DRC and that cut the road and the access for the refugees and the humanitarians. So if people were starting to leave Southern Sudan again, as they were in Kenya, what are you going to say to them? “Sorry, you’re too late”? Because they’re fleeing the same kind of circumstances that the other people did. So it always seems like it’s two steps forward and one back in these kinds of things.

I think a lot of the refugees are thinking, “We’ve been through this before. How durable is this peace? Do I want to take my family back?” They are weighing what’s available. We try to say to them, harshly, “Now wait a minute. You can’t just stay here in Uganda and keep your kids in school just because you think education is great. You need to go back. We’ll try to help you with schooling and that kind of thing on that side. Look, when you came, there was nothing here. Just start a community, put it together there. You went for years without schooling. And you may find the same thing.” Refugee return is just as uprooting as the flight was in the first place.

But again, people are going to make their own decisions. It is similar to when people may have wanted their kids to experience an integrated environment, but they weren’t going to put their kids to be the first one in the integrated schools. Every family is making their choices as they go. In a way, we try to corral what those choices are. Somebody can’t just stay a refugee because they don’t want to go home and expect the donor community to finance it, or expect that the country of asylum is going to keep them forever. That’s not fair, either.

So, coming to closure on this very complicated issue, we see a very restricted CPA timeline. But, maybe it is not overly restricted, because people came out quickly. They

ought to be able to go back quickly. It's incumbent on the international community to help make that possible. It's in our own self-interest.

But donors also are divided. Do you want to invest in Southern Sudan? Do you want to build a school that might be torn down in the next round of conflict? Do you want to put the big dollars there? Or, do you have enough money to invest in Southern Sudan at the same time as you're keeping refugee stuff going? In Kenya, they have one camp that has most of the Sudanese, but also has a whole bunch of Somalis and Ethiopians and Burundi and other people and those folks come and say, "Everybody's talking about return, but I can't return! I'm still here! You can't close the school. I'm still here! You can't close the hospital. I'm still here!" And they're not wrong. And the Kenyans say, "It's fine to get these thousands of people back, but we still have all these others. Don't leave us!" So it's a balancing act.

The United States has invested heavily in a positive anticipation for Southern Sudan, but a lot of governments have not. NGOs can only do as much as they get money for. If they're not getting funding, they can't put up the schools or the clinics. So you get this vicious cycle.

Q: Has the World Bank come in there, or not so much?

A: Not so much in Southern Sudan, as yet. One of our folks used to say that the humanitarian and development sides of our house have different metabolic rates in terms of how quickly we design things and spend money. The Bank is on the development end of things. When you have a two- or three-year cycle for project identification, design and implementation, that doesn't respond to the reality of, "We've got ten thousand people coming back to this area. We need health care now! We need a school now!"

Q: Are the conditions in the camps pretty good? There are the hospitals and the schools?

A: Yes, in some ways. In Kenya I would say, things are better than the average Southern Sudanese rural area, for sure. You would go to Southern Sudan and say, "Oh my God, how can you live in this kind of place?" Other places are not so good. But the danger we see is that people start "disinvesting" in the refugee camps, because after all, that's supposed to be done. We have peace in Sudan. Why are people here in Kenya? Put our money over there!

Q: I get the sense that the CPA had very good intentions in creating a timeline. That it is an enormous undertaking to implement, but the key elements of implementation are still lacking that would encourage refugees to return home. Among other things, the Election Commission is not functioning, the Civil Service Commission is not functioning, and building mega-infrastructure in the South hasn't happened yet. We know there is a donor problem as well as a revenue sharing problem. So, I'm wondering if this is a political will problem. You can't have elections unless your populace is in place to vote. There are still refugees, and their numbers are so gigantic that it makes a big difference, I would think, in the outcome of the elections.

A: It could. Let's say a half million of the refugees have come back. Most return is spontaneous. People make their own decisions and do it on their own. They don't advertise, necessarily. I think that they've gone back. Somebody would have to agree ahead of time what the level of participation is that we're going to accept as being legitimate. I don't think the refugee numbers in this case would tip it. What, about six or seven million Southerners? Probably the IDP numbers would tip it more. So, I don't want to say that the CPA didn't take those things into account. Regarding elections and major infrastructure, when we talk to individual refugees about what's most important to them in terms of going back, inevitably education and water are at the top of everybody's list. Interestingly, particularly for women of the Dinka tribes where they've had an opportunity to be educated, they say, "We're really afraid about what's going to happen to us as women go back home." I had never heard that expressed that way, in my many long years of refugee experience. Basically, I think what they're saying is that "We're not sure we want to go back to the traditional ways of doing things."

Q: Back to the old tribal Dinka ways?

A: Right.

Q: Not to mention Islamic ways, going back to the old ways of their village.

A: Right, right. I don't think Islam really comes into play very much in this, because the Dinka have traditionally married girls off at a very young age and done the "bride price" thing with cattle. This practice goes on in the refugee camps. You see, when there's a marriageable girl, they'll put like a flag up on their refugee house. Then men will bid, in effect, on the girl and run their flags up. Some of the prices have been extraordinary. I think it is because people have taken out loans. One of the fears is that, when everybody goes home, they have to make good on their loan payments, and how are they going to do it? We had an opportunity, as part of a donor's group, to meet with Salva Kiir about a year ago. I said, "Here's an issue. The women say they're really afraid about coming back." And, again, these are Dinka women, not necessarily women from all the tribes.

Q: Is this the majority?

A: The Dinka are the majority in the Government of Southern Sudan, and they were the majority fighters this time around. In the first phase of the civil war, they sat it out more, and it was the Equatorians that were the majority of the fighters. There's no love lost between the Dinka and everybody else, and even within the Dinka. I don't mean to say something bad about the Dinkas. It's just that these tribal divisions and the war and everything else has not erased the old rivalries.

I said to Kiir, "What would you say to women, as the President? On the one hand, it would be helpful if you could be sending out a message welcoming people back." Just a quick aside, at the time, a year ago, we were getting different views from different people in Government about whether they wanted the refugees to come back. On one end of the

spectrum, some of the officials said, “Oh, no, the refugees are the absolute last to come back. We’re going to keep them out until we’re ready. We want the IDP’s back first.” By the time we got up to Salva Kiir, he was saying, “Oh, no, no, no. We need to get refugees back, too.”

So I said, “It would be helpful for you to encourage people to come back, and provide leadership on that.” Rebecca Garang agreed to do some talking as well. Then I said, “What would you say to the women who are really afraid of having to go back to a very traditional life style?” He laughed and said, “Well, let me tell you, I have six daughters and we’re not going to force our daughters to marry whoever provides the highest bride price.” He kind of laughed and said, “I’m a President! Nobody’s going to get my daughter for 150 cows. It’s got to be like thousands of cows.” And then he said, “But, I’m going to run into trouble with my family because my uncles all sprang for the cows for me to be able to get my wife, expecting that I would be paying them back from cows that I will be getting for my daughters” in the traditional way of things. So he comes along saying, “Okay, end of that. I’m modern and my daughters are not going to be sold off.” The uncles will say, “Yes, so where do we get our payback after all these years?” So, Kiir said, “How is that going to go down at the average level?” So, I don’t think that the CPA or any peace agreement is going to deal with the question of modernization.

So that’s a key concern of refugees that isn’t addressed and wouldn’t be addressed by the CPA. As for adequate water and schooling, I’m not sure a peace agreement would address that, either. I think the things that draw the majority of the refugees back, probably, are not those things that a peace agreement deals with in any detail.

The number one thing that people want is security. If a peace agreement delivers security, that’s it. Of course, that’s putting it very sort of broadly. So what does security look like to the refugees? That’s what depends maybe on what kind of election process is there and who gets to vote.

Q: What about joint units, where they feel that the local police presence or army presence is on their side?

A: I think most of the refugees and probably most of the IDP’s, too, will view this just in terms of security. Not so much is it joint but does it provide security? A year ago you’re walking down the streets and yes, you saw these people in uniform, kind of carrying weapons, and drunk. That does not inspire a sense of security. So having the authorities in place, paying the army, doing enough of the de-mining, getting the demobilization underway, all those kinds of things create a sense of security.

Q: Talk about land ownership. Is the Government going to create new villages or say, here, come back and fend for yourself or come back and squat on someone else’s land?

A: I think they do intend, except in the towns, to just leave it up to the local leadership and let them sort it out according to traditional norms. One of the things that the U.S. Government helped make happen with funding and the help of other contributors, was

moving some displaced Dinka with their cattle. They were in an area around Maridi, in Equatoria, and had been displaced to that point during the war and they wanted to go back to their lands. But it was a question of, "How do we traverse what is essentially hostile territory to us, even though we're all Southerners and how do we get our cattle back there?" So, one of the return movements was the return of the cattle. That involved creating corridors and telling people this is where it was going to happen, getting everybody to understand the timeline, compensating the farmers whose crops got trampled, moving things, children, women, vulnerable not with the cattle but by road and barge. At one point they even had to cross the Nile, in Juba. The bridge across the Nile is a two-lane bridge. So, closing down the bridge with over ten thousand head of cattle is not an insignificant thing. If they had to close down Memorial Bridge or something like that to lead ten thousand head of cattle, it would take a while and it would screw up the traffic patterns of Washington. So, it was kind of a practical thing that involved a political deal. So that, then, moved those people out and made that land available.

Again, your peace agreement is not going to go into the nitty gritty of all this. But on the land, I think the people know better than outsiders. Sometimes, when a relief agency comes into a town and sets up an office compound, various different people show up saying, "This is my land. You've got to pay me now." "We already paid that other person who said it was theirs, showed us some kind of paper." I think there'll be some cases in the towns but I don't think it's going to be anything hugely insurmountable. It's not like a Burundi situation, where you have way too many people for the land and it has been taken and divided over the years. Southern Sudan has been deserted in a lot of ways.

Q: Talk to me about the water issue and where gum arabic is being grown.

A: The gum arabic is more in the North.

Q: And does Abyei have anything to do with this?

A: Abyei? Not so much from the refugee standpoint. Certainly from the IDP standpoint, because that's an area in the transitional zone, obviously, that's been conflicted over the years as to who it belongs to. It's not an exact parallel, but like Kosovo in the former Yugoslavia was the birthplace of Serbia, but today the Serbs are a total minority.

Q: There are many parallels.

A: Yes. I think the land issue will sort itself out. It's really an issue of confidence in people, and then who, how the parties implement, and if there's good will for implementation. That's where the CPA or any peace agreement can outline all these things. However, if implementers really have not decided that it's time to come to peace and to follow through on everything, can you force it? I certainly feel that in all these cases you need constant TLC from supposedly dispassionate but at the same time passionately interested people in helping outsiders who will shepherd something forward

and not let it go off the rails. The Sudanese will have to do this themselves. Did they all negotiate in good faith? And even if they did, there is still the issue of whose troops get demobilized first. Not to go too far out of Sudan, but do you recall the situation in Northern Ireland and the deweaponization, where the IRA is supposed to turn in its weapons? It is disarmament but they have another word for it in the Northern Ireland context. They agreed on Good Friday under the Clinton Administration to do this.

Q: And that was after twenty years of negotiating.

A: Right. And there's still this feeling that "If I give up my gun, then people can come after me." The Southerners are the same way. They still have all these militia that were armed by the Government in Khartoum, and changed sides. Everybody wants to be protected. So who goes first in this kind of thing?

Q: You mentioned the LRA. This is Ugandans?

A: Yes. The Lord's Resistance Army.

Q: But is there any connection with funding or materiel from the Government in Khartoum?

A: Yes. For years the Government in Khartoum supported the LRA and the Government of Uganda supported the SPLA. They each supported each others' rebels, as a buffer. This is the same thing you had going on in Darfur between Chad and Sudan. Eritrea is in the mix, of course.

Q: And what exactly do they want?

A: The LRA? Nobody seems to know.

Q: What in the world are they doing? Are they just pillaging, or is there some good political gain to be had here?

A: The Lord's Resistance Army has existed since about the same time that Museveni came to power by fighting his way out of the bush to power in Kampala. They see themselves as being very much on the outs with the regime in Kampala. My own view would be that the people in Kampala haven't really minded overly over the years that the LRA keeps the North in turmoil and punishes those people and provides a sentiment of, "Don't we feel sorry for those people in Kampala having to deal with this terrible insurgency?" If somebody hasn't figured out after twenty years how to bring it to a close, then they haven't tried too hard. Riek Machar, either on his own behalf or on behalf of the Government of Southern Sudan is brokering peace talks between Uganda and the LRA. Hopefully that will go somewhere but one of the conditions is that the International Criminal Court would rescind its indictments of the leadership of the LRA. Then the result is that people begin to disagree. Would that be a desirable thing? If you could get rid of the LRA that would be a good thing, but if you have no justice, is that a

good thing? Charles Taylor was elected the President of Liberia. Everyone thought, well, at least people voted massively for him just to end the war. But it didn't work, obviously, and now he's in the dock and most people are happy about that.

One thing that really irritated us, just on the refugee side, was that as part of this brokering some kind of agreement on Uganda, the Government of Southern Sudan provided funding to the LRA to keep the food and shelter, to keep them alive. In this way they were not using their resources to build schools for their own people. Why on Earth would a country squander money on a rebel movement? Of course, governments do all kinds of things with their revenues.

Q: With all the South to rebuild, they were helping to feed the LRA?

A: On the other hand, they make the calculation that the LRA can always screw things up for them, so they need to get this problem off the table. And then there's Darfur. One of the things about the refugee business is that you have to think regionally, because there are so many regional implications. It's probably a fairly open secret that Garang and company really worked with the folks in Darfur to advise them on how to fight the central government and probably provided arms during the civil war before the CPA was signed. The Darfur conflict has a life of its own, regardless of the Southerners.

Talking about the agreement and how things are done, we and other outsiders who want to see peace in Sudan are making another major push at it. The U.S. has been very spasmodic about how many times it's really pushed for peace in Sudan. We were almost there on this North-South agreement when the situation in Darfur erupted. People are saying, "How can you make an agreement that includes people in Khartoum at the same time as they are conducting genocide in Darfur? You can't do that!" And we were saying, "We can't throw away all that effort on trying to get to a North-South agreement and you have to have the North in on this. No, of course you can't overlook what's happening in Darfur. But can you let the one undermine the other?" The people responded with, "Well, inevitably the one will undermine the other, because it's all the same set of circumstances. It involves a marginalized area of the country and elites in Khartoum that don't pay attention to what's happening on the edges, so it was inescapable that the two would come together." As a policy we said, "Okay, the CPA provides the framework for a peace agreement for Darfur."

I was never persuaded by that logic. In broad terms, yes, CPA. However, on the subject of wealth sharing: okay, the North and South have just decided on a formula for how they're going to divvy up the oil revenues. Why would it be in their interest to cut the Darfur people into the deal? What else distinguishes the CPA? The major thing is allowing a referendum on independence. Why would Khartoum give the Darfurians a referendum on independence? Then you have the people in the East, the Beja, coming along saying, "Hey, what about us? We'd like to be cut into this deal, too." I recall an instance when I was talking to refugees in Chad. I can still see this one man saying, "I don't care who John Garang is. He doesn't represent us. We have our own grievances with the South. Garang fought for twenty years. We've just started."

Sometimes it takes time for people to come to an agreement that they get so exhausted and don't make great, lasting decisions very quickly.

Q: On the lack of national identity of the Sudanese, Francis Deng has said, "I'm not trying to be philosophical. That's really what's going on here. Nobody knows whose side they're on. The North does not embrace everyone in the North. The South does not embrace everyone in the South." He certainly is negative and he is always addressing the issue of identity.

A: There are 192 countries in the world now. It'll be 193, with Montenegro. And there are 4000-5000 nationalities, nationalities in the sense of people that feel joined by blood and culture. People always talk about the Kurds. They're the largest nationality that doesn't have a state to go with them. They're divided into three big pieces, and then Kurds all over the United States and everywhere else. So where do you go with this identity thing? It's important. What's the American identity? I think it's a debate that we're having in our country, as well. You have to create some sense of identity if you're going to have a nation state, and you must make sure that it all works together for the overall benefit.

Q: Do we need more external guidance or pressure on both parties to keep this on track? Is that the answer?

A: Well, it needs more guidance. They have to do it themselves, but mentoring them might help. However, that also sounds a little condescending.

Q: They're recommending everything from intervention to sanctions to "What are you waiting for, there are people dying. Let's slap them around a little bit."

A: Maybe you're right. There should be pressure and guidance, in the sense that it should be in everybody's interest or most people's interest for this to proceed peacefully. The U.S. Government's official policy is that we want to see unity be attractive. We usually do not support countries dividing up, until they do and we think it's great. But it's a very delicate path here. Where is this all leading? Towards a separate South? Look at the way all the different agencies have themselves structured. They've decided they have to have equivalent ranks in Juba as in Khartoum. It's not a subsidiary relationship. It's like the Chinese: "one country, two systems." You have different money, different language, and different structures. What does that look like? Almost like two separate countries, in a few years.

Q: This is between Beijing and...?

A: "One China, two systems" includes Hong Kong and mainland, and the rest of the mainland, China. But they use the same kind of phraseology in Sudan, "one country, two systems." At the same time you've got the European Union becoming bigger and bigger and almost like one big country. Without prejudging the outcome, there should be

a way to try to keep the South and the North from going back to active warfare and follow principles of peace and justice, where people have the right to say what they want. And if they don't get it, they don't have the right to take up arms and go after it that way. Maybe this is what the UN does- worry about the peace and security in the world. Keep the neighboring countries from meddling in it. Ethiopia and Eritrea are playing out their rivalry in Sudan and in Somalia. Nobody's a good guy in all this. They're all meddling in their neighbors' business.

Q: From the investment world, not having a property law or even a legal system looks like there are two legal systems. One is shari'ah law in the North and the other is tribal law in the South. Whatever they're trying to put together, they're deferring many things to tribal leaders, apparently. How do you develop the type of infrastructure to welcome back people of different belief systems, not to mention investors? It's fragile, but law is law and it seems that all these different systems don't play well for the future of one country.

A: There's a lot of help underway in different places. The whole democracy and governance area, in terms of writing constitutions...

Q: Who's doing that? AID?

A: AID is doing some for the U.S. Government and I think some other countries have advisors. There's a movement to collect data on where people are going back to and what their concerns are. The goal, UNDP/FAO, was to have better agricultural and animal husbandry outcomes. Part of getting there is dealing with issues of who controls what land. They're trying to take that into account.

Q: So the problem's solution is now broadening into the whole infrastructure issue?

A: Yes, so that people are taking those enabling factors into account in the programming. You have to have a court system and you have to have a police system. I think those are more surmountable. A lot of the Southerners in positions of power have been thinking about this for a good long while and have ideas. They've got the old British system. I would feel less anxious about that part, in terms of outsiders having to help with it. The people will sort it out and figure it out on their own, even though it might not be exactly the way we would want it.

Think about family law. Should there be any resonance for trying to outlaw early marriage? You're not going to see the U.S. Government doing that because in our own country we have not done it. In some states, for example, in Kansas, it's fine, as long as your parents say it's fine if you are 14 and want to get married. And we don't license parents. You have to have a driver's license to drive, but you can be a parent with nothing, regardless of whatever kooky ideas you might have. As you can see, we're not about to legislate family law in Southern Sudan.

On the other hand, through programs of empowerment, education, and income generating for women, I'm pretty sure people are going to be saying, "You know, this 14-year-old stuff is not such a great idea."

Q: In an article recently by several women in Southern Sudan, the point was made that there weren't enough women in government and they didn't have a voice and all these social issues. And yet when Salva Kiir came to D.C., he did have two women advisors.

A: I want to say that they have to have 25 per cent women in the legislature, which is better than we have here. You can say that's really kind of a quota and maybe that's not such a good idea.

Q: That's a goal.

A: No, for them, they have to have it. It's a requirement and they even have separate voting.

Q: I would say why not fifty per cent but, oh, well...

A: In terms of lessons learned...

Q: What has been the practical result of not having an external authority responsible for implementation? You've made the point that they have to do it themselves and overcome many years of strife and build confidence and work with each other and build on political will. Is there anything to add to that?

A: If you had an external party that was responsible for it, you would really be talking about a word that has all kinds of negative connotations, but neocolonialism. The French have a word, *tutelle*, which is kind of like a mentoring agreement. In business I think it's called a receivership.

Q: With a receivership you're unable to run your company effectively and you've run into bankruptcy. The court will appoint a receiver to bring you into a period of time under which you are managed and audited by an independent third party that will supposedly bring you to solvency.

A: Okay, well this would be sort of a political receivership. People were advocating that for Liberia, which is interesting because it had never been a colony, and it is odd that something like that would be needed in order to bring it forward. But I don't think that really works in a setting where it's too condescending towards the people that have pride in how it's going to be done and do have all kinds of skills. There's a really educated, skilled, passionate diaspora of Southern Sudanese who want to go back and make something happen. Not all of them want to go back. For those that have been resettled as refugees here in the States, their life is here and maybe they want to go back but maybe they don't want to stay.

Someone who would stay with it would be, in UN parlance, a Special Representative of the Secretary General. This person would help move things along and be there to check, to be an intermediary, draw people out, and try to get them to hash out a problem without taking up arms.

Q: That would also raise the capacity of the people on the ground, as well as highlight for the mentors or executive advisors the actual problems, which is not easy to fathom. There's a six-month rainy period where you can do literally nothing. There's no delivery of goods and services. If you order something, it simply will not be provided for six months. So everyone's busy during six months, ready to place orders but unable to receive them until the rain stops. That's a phenomenal handicap. That is a stunning logistical wrinkle.

A: It's partly the reason why it's so hard to get the country developed.

Q: The North doesn't have the same rainy problem?

A: Not in the same way.

Q: And they have roads and ports, access and other things that the South simply doesn't have?

A: Right.

Q: How do Congressional sanctions impact all of this?

A: The sanctions that we have on now are creating more of a dilemma for things we want to do in the South, or wanted to, than they are achieving a punitive effect. Of course, there is tons of literature, I'm sure from USIP especially, on sanctions and whether they work or they don't work. The sanctions, right now, are the same, when the world is changing around it. Put it this way: Khartoum, which is supposed to be a government of national unity, is very much freed from a lot of the questions regarding bringing oil on the line and having those kinds of revenues.

Q: Cash is coming in.

A: Out of an attitude of abundance you can get a lot more done. If you look over the time frame that the CPA was being most heavily negotiated and look at what has happened, when we bombed Khartoum, rightly or wrongly, back in 1998, I think the Sudanese sat up and took notice and thought that the United States might do something like that, particularly after 9/11/2001. They watched what we did in Afghanistan and that had a very sobering affect on them for a short period of time. We really kind of assume that everybody else is less smart than we are but the Sudanese are just masters at diplomacy. Not all, obviously, but the leadership. They look around and see where the United States is in the world right now and I'm sure they're sitting around in their

councils calculating what the risk is. What's the risk that the United States is going to do something?

Q: It depends who you talk to. From what we heard yesterday, some people were very aggressive.

A: They've got oil coming in, and with the whole Lebanon thing, that changed the calculus, internationally. How could you predict that a Lebanon was going to happen and what impact that would have on the CPA? I don't know if you've ever felt like taking out McNamara's book on Vietnam. It's kind of a *mea culpa*, about how he ran things or whatever but his explanation of, at the time, we have come over World War II, we have come over this, we were worried about China. Where's Vietnam in this whole thing? The context that so colored the way we looked at everything that the actions we took in Vietnam were sort of an explicable outcome. So nothing is static. That's what they really stress in our business, dynamism, dynamism, it's always changing in some fashion.

Is the CPA the agreement for all time? Do all the provisions matter? Are the sanctions the sanctions for all time? In this regard, in Government we've been working on the issue, Sudan wanted rail parts for the GE locomotives that they bought goodness knows when, in the 1950's or something. First we wanted them to move goods out to Darfur for famine relief and then we wanted them to move food down to the South. On, one level you think "They've done without it for twenty years, what's the big deal?" With the oil money now, screw GE, just go buy some in China, and start afresh! Why worry about U.S. sanctions?" And have we gotten any better behavior for the whole issue of having an embassy with an ambassador or not? How do those things play? Does it really matter? The whole question of leverage, you have to redo the calculations each day or each month.

Q: Is that being done?

A: That's sort of the stuff of State Department and policy makers. I'm not sure I would say it's being done enough.

Q: Are other donors joining us in airing these concerns?

A: Yes, I think so but, again, if Darfur sucked the oxygen out of the CPA, Lebanon sucked the oxygen out of Darfur for a while. World leaders only choose to stay on a few things. And that goes back to needing to have some special rep or whatever that is more of a constant, that's not going to change with changes in regimes in places and gains people's confidence and stuff. But then if it's just an individual...l

Q: You're back to the personality, relying on one personality

A: Who could get run over by a truck tomorrow or who could, right now, say, Burundi, Ethiopia, Eritrea, are trying to throw out the special representatives and saying they've

become biased or they're not doing their job any longer. So being a special envoy is a thankless task as well. But it's that concerted and constant attention to an issue..

Q: Other people are focusing on all the other things but we have talked about the actual people on the ground and impact of all the policy is affecting the people of Sudan. This is where our focus sometimes drifts away from this into other concerns that are complicated.

A: We always forget the victims in all of this and we have all this discussion about ourselves and our policies and our relationships.

Q: Are there any lessons learned that the CPA should have included, something that it didn't foresee? Did it need not to be so complicated or not to have such stringent timelines? Look back as we now move on into implementation.

A: All the different commissions are a good bureaucratic way of providing a framework for discussing things and working things out, as opposed to leaving them wide open and allowing people to fight over them. At the same time, any agreement like this, not that you're going to renegotiate every little bit of it, but it's like the constitutional question. If people can look at it as a flexible guideline that doesn't provide everything down to the last iota and if it's not spelled out then it doesn't exist. Everything that's not expressly allowed is prohibited.

Q: In Darfur as we speak, where the North is saying, "We won't let in UN troops because it was not provided for in the CPA." And at the time of negotiating the CPA they had said, "We won't include this UN transition of peacekeeping forces because there has not yet been a Security Council resolution." That's an interesting Catch 22.

A: They're very clever and casuistic about things and probably saw where the CPA was going and didn't want to repeat a mistake, for them. One of the arts of diplomacy is to be put oneself in the other person's shoes and try to see how they think about this. If I were sitting in Khartoum, I would feel the same way: "These people who are armed by my neighbors and my other enemies have just stated rebelling. It's a threat to the national unity. Of course you're going to squash it militarily. And why should I make a peace agreement that gives away a lot? That just encourages the next group to come up and do this." It's like saying, If California wanted to secede, what would we do? The CPA was awfully rushed and you have to balance that, too, with wanting to stop a war stop human suffering. So sometimes you do have to just get people together and crack heads on it.

But it very quickly was undermined by rebel forces able to characterize it as being essentially a negative. One person saw it as wanting the rebel groups to change sides. The peace agreement didn't turn out to be really to be a peace agreement, it just turned out to be a realignment of the fighting forces.

I don't want to sound like you have to fight for years and years and years in order to get to a peace agreement. That's a lousy situation for the people. But having an agreement that is so easily discarded makes it harder to get to the next real agreement.

This whole issue of peace studies as opposed to war studies and USIP coming into existence hasn't quite taken us there yet, in the sense that people study the warfare as the way of dividing up history, rather than studying periods of peace.

Q: What works and how conflicts are resolved. So we're interested in finding out what works and what doesn't work.

A: Sudan is going to be an interesting one. You got the whole right wing, the religious community in the States that has played a role in a way that they haven't in other, certain crises. So each one has its *sui generis* set of factors that come into play on this. And -- knock on wood -- this one is going to hold. My worst case scenario is that the South votes for independence, the North says, "Fine, let them go," knowing full well that then it will dissolve into another full civil war and at that point the rest of the world will say, "Just let those people do each other in. We've already tried, too much, in the past." It will be a real humanitarian mess.

Q: And a financial mess for all the donors.

A: Right, then another round of refugees.

Q: In which case, all of these interviews will take on new meaning, as a lesson learned, that we underestimated the level of lack of political will on both sides to make something work.

A: The whole CPA, in terms of putting that issue of a referendum out there, it one of those issues that everybody was talking around edges. Does it make sense to hold these two pieces of a country together -- a pretty courageous thing? It is like Habibie in Indonesia when he decided he was going to let East Timor have a referendum. I don't know what the man was thinking, whether he thought people were going to vote to stay with Indonesia.

Q: But they had to try and it stopped bloodshed.

A: Right, for twenty years everybody said, "No, this is not negotiable, we're not going to try." We have the Western Sahara, where the Moroccans will not give in. When de Klerk decided, for whatever reasons he did, that *apartheid* was gone, it's such a courageous thing.

Q: Apparently the largest aquifer on the Earth is located under most of Sudan, all of Libya and everything in between. The Libyans are interested disrupting Sudan so they have the time and wherewithal to exploit this aquifer. And while the Sudanese focus on oil, where the reserves are not that big and very costly to extract, the Libyans have

already started tapping into the aquifer. Water in the whole region is a vital interest. I'm wondering if you had heard about the aquifer.

A: I hadn't heard that, but certainly trouble over water is an issue in the region. Look at us here, arguing over who gets to use the Potomac.

Q: Imagine if they sink some wells and then have irrigation.

A ; Yes, it could change things a lot, with global warming. Sometime we go through eastern Chad, where we have all the refugees and we've looked at the USGS and all the ancient things and people have done everything from satellite imaging to pea twitching.

Q: The Mancha in Spain, which is a desert, is in fact floating on top of an aquifer and they tapped into that.

A: Well, that would certainly be a reason for fighting over it, wouldn't it?

Q: It's just another wrinkle in this interesting issue.