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

Interview # 54 - Executive Summary

Interviewed by: Sam Westgate
Initial Interview Date: January 19. 2007

The Sudanese interviewee is a contributor to the largely online newspaper, "Sudan Today." While not a negotiator in a formal sense, he helped put together the oil commission implementing regulations prescribed by the Comprehensive Peace Agreement (CPA). A frequent traveler to Nairobi and to Sudan, the informant has been in an excellent position to observe the implementation of the agreement in the South.

The informant noted that during the Clinton Administration possibilities of reaching any kind of North-South agreement were stalled and marked by missed opportunities. The fault, however, was not just on the part of the U.S. John Garang and the SPLA had sabotaged a meeting in Nairobi with between President Obasanjo and Vice President Ali Osman Taha. And in the South itself, there were factions trying to undermine John Garang. A U.S. official proved to instrumental in getting the South to unify itself and support the SPLA.

According to the interviewee, the IGAD group of countries was also key to moving negotiations forward in the CPA process. While Uganda was supporting the SPLA and Djibouti and Ethiopia, Khartoum, Kenya as "host" provided diplomatic and humanitarian support leading to an IGAD Declaration of Principles. The real turning point, however, came with the appointment of Senator Danforth as special envoy to Sudan. Danforth put the negotiations on a serious footing even though the initial agreement was flawed, from the point of view of the South, because it did not include a clause guaranteeing the right of self-determination for the South.

Of the international negotiators, the informant found the U.S. and Norway, and to some degree Italy, to be the major players. The Sudan Peace Act of 2002 was an "important step" in getting Khartoum representatives to go to Naivasha. The interviewee regretted, however, that the U.S. had not entered seriously into brokering negotiations in 1992 or 1993. He felt that an agreement could have been reached much earlier if the U.S. had been more engaged.

In terms of implementation, the informant laments the lack of an IGAD secretariat in Khartoum, which could monitor the agreement. The parties have missed many deadlines. Abyei remains a sore point and the border commission is not functioning. Neither are the commissions on the civil service and on human rights. The distribution of

revenues from oil remains problematic, partly because of a lack of monitoring expertise in the South. The South needs to work on capacity building, and more training needs to be provided. The informant calls for continued pressure by the international community to find solutions, although he finds that sanctions in themselves are ineffective and counterproductive.

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Q: Describe for me, please, the role you played in the Sudan CPA negotiations, whether as a participant or an observer?

A: We were not involved in the early stages, because we are a group of people, some of us are in southern Sudan, some in Khartoum, some in the diaspora. In fact I am based in the Gulf states, and I used to go to Nairobi and, of course, to Sudan to follow the process. So I was following from a distance, sometimes closely by attending some of the sideline meetings, not the actual negotiation meetings, because at a certain point we were not allowed there. We were more or less like a pressure group. We formed opinions and we presented positions. So it was not direct involvement. It was a secondary role.

I would give you one example: sometime in late 2003 we proposed, we gave an example, something that is here, in the Gulf where they have a petroleum council and we suggested that that might well work in our case. Eventually it was adopted and we now have an oil commission, although some of the powers of the commission have been taken away. So we are observing the implementation process.

Q: But you have been observing the CPA process I assume since the mid-Nineties at least, the preliminary negotiations that led to the agreement. At the early stages, what do you think the U.S. objectives were, from your point of view?

A: I think the U.S. objectives represented well meaning involvement, although it did not seem to be serious at the beginning. Since 1993, when Harry Johnston got Dr. Riak and Dr. John Garang together and we promoted the activities of our community in the U.S. and our friends in the churches and in the Congress and in various capacities in the U.S. until the U.S. got more serious. So I would say that the involvement of the U.S., although it was really very slow during the years of President Clinton, eventually the U.S. got involved fully and with good intentions.

Q: So you found good intentions. Did you also find any, shall we say, missteps or aspects that were counterproductive, in your view?

A: Yes. I think it was lack of full knowledge of the complexity of the situation of Sudan that were actually missed opportunities. The U.S. could have been involved in the early stages but it was not, for some reason, which I attribute to lack of full knowledge, lack of

full understanding of the political nature of the regime in Khartoum, lack of full knowledge of the humanitarian tragedy, lack of maybe, if you like, political decision in Washington, especially during the early years of President Clinton.

Q: As far as the Sudanese parties to the negotiations and to the agreement are concerned, what would you say their roles were? Could you describe the Sudanese parties involved?

A: I would start with Khartoum. At the beginning Khartoum made overtures that were misunderstood by the SPLA, because this is a regime with a record of deception, with a record of lack of seriousness. So even at a time when they got really serious, the other party did not take them very seriously. We can see one example, when the late John Garang went to Nigeria and President Obasanjo of Nigeria was willing to host a meeting with Vice President Ali Osman Taha. Taha traveled all the way to Nigeria, but John Garang actually persuaded President Obasanjo not to meet him. So I would say the gesture of Khartoum was misunderstood by the SPLA. But eventually this is the very man who actually, at the end, proved to be a serious partner in reaching agreement. So at the early stages there can be misunderstanding.

Q: And how about in the South of Sudan, the various parties surrounding John Garang, how would you characterize them? Not just his own group, but the others?

A: They were very, very distrustful -- that should be the right word -- they were very distrustful of the intentions of Khartoum. They did not believe that this regime could really reach a negotiated settlement. And ironically it was some southern Sudanese who are very close to the regime by that time went to visit a U.S. offial, they approached him and they said, "Look, these people, the SPLA are refusing to meet us. So you should really put pressure." And the U.S. official went to Nairobi and I happened to be in Nairobi and he arranged a meeting and they talked seriously with the SPLA, in order to accept the sit-down and eventually it was a good meeting. So I would say the SPLA was distrustful, but they were wrong.

Q: But there were other players, in addition to the SPLA, in the South. How would you characterize them, other parties, other interests?

A: The parties, mainly our neighbors in the region, the IGAD countries. Although they were divided among themselves.

Q: We will talk about IGAD in a minute, but within southern Sudan there was not necessarily a united front. Can you characterize the differences in the South?

A: That is true, there were differences. There was one group of civilian politicians, you could say, the first and second generation of Southern Sudanese politicians, notably Bona Malwal. He was based in London. He was an enemy of John Garang and he campaigned, he led a very vigorous campaign against John Garang that he was not negotiating in good

faith. So he managed to get some southern Sudanese by his side and they were opposed to the SPLA manner of negotiations. So this is one group.

Q: Was this essentially tribal, was it two different ethnic groups?

A: No, not tribal, because Bona Malwal and John Garang belonged to the Dinka tribe. So it was much more political and also a personality clash, if you like. So this was one group opposed to the SPLA. There was a group inside, led by lawyer Abel Alier, these were people, they were in between the government, like facilitators, because they were essentially based in Khartoum. They used to encourage the government to talk to the SPLA much more seriously, and then they would travel to Nairobi to sit with them and tell them, "Look, you have to give them a chance and we need also a peaceful settlement, and not every objective can be met through armed struggle."

And then there was a third group of the militia. These were southern Sudanese militias, who were basically recruited by Khartoum to fight the SPLA. This group was also opposed to the SPLA.

But the vast majority of the Southern Sudanese, in the North and in the South, were very supportive of the SPLA because they felt it was the only party that was consistent and they believed it would bring justice. So these were the three opinions in the South.

Q: You mentioned IGAD and maybe now we could talk a little bit about their role and possibly that of some of the other international organizations, including the UN, the EU and the AU. Let us start with IGAD. What do you feel was their role, did they have a constructive role?

A: Yes, I think their role was constructive, although the IGAD countries were divided into two groups. There was one group supporting the SPLA and another group supporting Khartoum. But eventually their role was productive, because you have countries like Uganda, which was very supportive of the SPLA and countries like, say, Djibouti and Ethiopia, which were friendly to Khartoum.

I would say "friendly" [but] not necessarily antagonistic to the SPLA [even though] they were friendly to Khartoum. And you have Kenya, the host of the SPLA, although it was not supporting the SPLA directly, but it was at least a diplomatic and humanitarian support. So the fact that these countries got together and formulated one position and adopted the Declaration of Principles, which was eventually the basis of the negotiations. I think it was a good thing. So it shows the role of the regional powers, no matter how divided they are, if there is a political will, they can work together to achieve something.

Q: Do you think that the U.S. delegation related well to IGAD and to the other international organizations that were active in this, in the early 1990s and early 2000s?

A: If we go back to the U.S. role, I think the first involvement was the involvement of President Carter, that was back in 1989, just a few months after Bashir took power in Khartoum.

Q: It was a private citizen initiative.

A: And then came, before that the role of Assistant Secretary of State African Affairs at the time. I think he was a little bit skeptical of the SPLA. He thought this was an organization friendly to Mengistu, that it must necessarily be a Communist oriented movement. So I think his role was negative there. Then there were the private initiative of President Carter and then Harry Johnston in 1993 in Washington. That was, I think, a positive involvement. And then the frequent visits of Congressman Frank Wolf and of whoever else went with him to southern Sudan. So since the visit of Frank Wolf the U.S. public opinion began to shift and I think put more pressure on Khartoum. So I think that the involvement, right from there, took on a positive [note], in the sense that after [these visits] delegations came to Nairobi. And then eventually, in 2001, President Bush appointed Senator John Danforth. I think that was a turning point, because appointment of Danforth coincided with the September 11th events and so things had changed. There was much more attention to what Islamist regimes like the one in Khartoum can do and I think it was good.

But Danforth, again, although he did good work, many Ssouthern Sudanese did not like the final report because it did not include the clause about self-determination. I think that was a point of difference. Again, public opinion was angry with the report and with the work of Senator Danforth. They specifically believed there were negative people in the group, and they would mention the name of one who was opposed to self-determination for southern Sudan, on the grounds that this would be opposed by regional countries like Egypt. Until that point public opinion was divided among people who believed that, although Senator Danforth did not include the clause for self-determination, yet he laid the ground for serious work.

And then later, the paper of the International Institute for Strategic Studies, that this should be a one-country, two-systems approach. I think that was the real U.S. position that people think paved the way for the CPA.

Q: This was a CSIS paper?

A: That is right, yes.

Q: To go back to some of the other international organizations, did you find the roles of the UN and the EU and the AU and its predecessor, the OAS, to be constructive? Were they visible at the period you were observing or were they visible only later?

A: They were there but they became much more prominent later, because since the outbreak of the conflict in 1983, there was no real involvement of the UN, except in Operation Lifeline Sudan. That was the humanitarian program. And there was also no

visible involvement of the Organization of African Unity, it was not really there. And I think the international involvement in the political settlement was really very, very little.

Q: Now we can turn to the non-state actors. You have mentioned private citizen groups that came from the U.S., including Carter and others. How about some of the NGOs and religious groups? Were they significant actors in the negotiation process?

A: Yes, they were very significant in changing public opinion, but not in the negotiation process. I think the religious groups, the support of southern Sudanese by the religious groups in the U.S., was really very, very significant, but when it came to the negotiation process, they were not really there, as far as I can remember. At that time you were moving to diplomats and mainly the U.S. diplomats and the government and the regional powers.

Q: You have touched a little bit on the regional states surrounding Sudan. Which ones do you think really were the bigger players, of those states?

A: It depends on which role each country played. If we are talking, for example, about Kenya, they did not support the SPLA or Southern Sudanese in terms of military assistance, but they were only providing a venue for talks and so on. But eventually the Kenyan negotiator, Sumbeiywo, this is one country, they were not involved during the war, but when peacetime came they were instrumental. If you talk about a country like Uganda, they were very supportive, in terms of military aid to the SPLA, but when the time for negotiations came, they were not involved, except for sending ambassadors to the IGAD forum. Ethiopia hosted the SPLA from 1983 until 1990, and then they were a bit hostile. When there was a regime change, they became hostile until 1993 but then started to be neutral. But in the peace process they were observers, they were playing a very neutral role. Eritrea was also like that.. So I would say there were varying roles by the regional powers.

Q: If we could go to the major powers, you have discussed somewhat already the U.S. role but how about that of the UK and Norway?

A: The UK was involved through its ambassador. My personal opinion is that many Southern Sudanese would say that Norway did a lot in terms of diplomatic involvement and also in terms of humanitarian assistance during the war. And although Britain is the former colonial power of Sudan, many people would say it did not play a neutral role or it did not act as a fair broker. They always maintained links, very good relations with Khartoum and somewhat volatile relations with the SPLA, if you like, but at the end they were involved in the person of the ambassador, so they were also active in the forum, Friends of IGAD -- that is the U.S., Italy, Canada, Norway, Britain and many other powers. If you ask any Southern Sudanese, they will say it was the Americans and the Norwegians and to some degree the Italians that were really active in bringing the settlement.

Q: If you did not observe directly the negotiations, you were nevertheless an informed observer. In looking back, do you think that any changes in the policies or the practices of the U.S. would have resulted in a different direction for the CPA?

A: Not exactly during the negotiations, because as far as I could see, the U.S. played a role of always trying to reach a middle ground, to come up with a paper to bring closer the positions of the two sides. So as far as I could remember there is nothing that could have changed things. But if the U.S. were to have been involved in, say, 1992, for example, 1993, then we could have reached an agreement much earlier.

Q: So earlier intervention might have brought about an earlier peace?

A: Exactly. But there is nothing significant during the talks that they could have done. And I think, again, let me stress the role of one U.S. Government official here. When he went to Khartoum and he sensed that there was a bit of seriousness in Khartoum, he put pressure on the SPLA to accept sitting down and talking.

Q: Did you find that the U.S. congressional passage of the Sudan Peace Act in October 2002 have any effect on moving the negotiations forward?

A: Yes, a very tremendous effect.

Q: And you found that positive?

A: Very positive and in fact I would say if there had been no passage, Khartoum, maybe they would not have contemplated going to Naivasha. So it was a very important step, if you like.

Q: Now, if we could turn to implementation of the agreement, what do you think are the primary shortfalls in the CPA that have led to problems with implementation?

A: The most important shortfall now is lack of a very strong body to put pressure on both sides, saying, "Look, if this agreement is not implemented, then this is going to happen." The IGAD should be present in Khartoum, in the form of a big secretariat [together with] the original powers, the U.S. and all the players who brought about the CPA. So I think, given the nature of the two parties, there should have been a strong body to oversee the implementation, because now there are problems with implementation.

Q: Can you describe these problems in implementation?

A: One big problem now, first of all, is that they missed a lot of deadlines. For example, there is a disputed area of Abyei. Of course you remember there are six protocols. One protocol regards the Abyei area; it is a disputed territory between the South and the North. As stated in the CPA, a panel of experts was appointed to come up with a report. So when they did, they came up with it, Khartoum rejected the report, and there is no way this report can now be imposed on Khartoum. And I think that is a big weakness in the

CPA. It could have been stated that if there is one party refusing to meet the obligations, then something should happen. They should get, for example, a warning from the UN Security Council, or an emergency meeting of the IGAD countries should be called. If it involves the collapse of the CPA, if you have one party refusing to implement a provision of the agreement, then the international community should show that they are willing to take on that party.

Q: How about some other aspects of the various commissions? You mentioned the six protocols. How about oil? You yourself said that you were instrumental in helping to set up the oil commission.

A: That is right. You know why the oil commission was formed? Khartoum came up with a lot of obstacles to surrendering this function. They do not want this function to operate, because it would take away the powers of the minister of energy, who is a member of the ruling party in Khartoum. So the oil commission is now paralyzed, it is not functioning at all, because of a lack of will in Khartoum. So this is one.

You have another commission, the border commission. They needed to demarcate the border between the North and the South. The commission is again not functioning. Oil companies are now operating in the South without any environmental policies. The environment in Bentiu now is totally damaged. The Chinese have degraded the environment there and there is nothing being done to compensate the communities who have been displaced or evicted from their ancestral areas in order to give way for the production of oil.

And the commission for human rights is not functioning. The commission for the civil service is not functioning, and I think two other commissions.

This is one. The other failure is lack of amendments to laws. The national security law is not amended. About 62 existing laws have not been amended. So it shows a lot of things are not happening with regard to the implementation.

Q: How about the civil rights issues foreseen by the CPA? I guess I am thinking particularly of rights of minorities, whether in the South or in the North. How has this been handled?

A: Again, one key thing about the CPA is that it paves the way to democratic transformation and this comprises the rights of minorities, religious rights, the freedom of expression, the freedom of thought, the freedom of assembly and association. All these things now are not happening.

Q: Or ineffective in some way. How about the actual present sharing of oil revenues? Have there been complaints about the share that the South and the North are getting?

A: Yes, there have been complaints. I am following this issue very closely. On the side of the South, they are complaining that they do not know the actual production and when

I asked them how is it that they do not know the actual production, they say, "Because we don't have people on the ground. There are no trained people in the oil industry." So even if there is a metering system to show the production levels and so on, nobody is there to observe if this metering system is accurate or not, since there are no trained personnel. This is one complaint.

The other one is that they just get a handout. They are not involved in the sales, in the production and in the calculation. They just get what is said to be their share.

So on the side of the South, there is a real problem. They do not have the capacity, they do not have the people. So this is not the problem of Khartoum, it is the problem of the Southern Sudanese.

On the side of Khartoum, they are happy to give the South a handout, and they do not care that the South has no people on the ground, it is not the North's problem. So they are happy with that.

Q: If we could move again back to the CPA and the negotiations, what lessons do you think were learned in the negotiation of the CPA?

A: I think one lesson is that where there is a will on the part of the international community and especially led by countries such as the U.S., Norway and Britain, if these countries come together and show a strong will to solve the problems, they will do it. I think this is one lesson, because if they say, "We need this to be done" and there is one party refusing this, that party should understand that there will be consequences, and I am referring here to the Sudan Peace Act. This is one lesson.

Q: So you think that the threats implied in that Act were effective, because some people believe that threats are not necessarily an effective way of boosting negotiations?

A: Right.

Q: But you feel it was effective?

A: Yes, it was effective, in the sense that if people sit down and identify a problem and identify the parties that are responsible for this humanitarian crisis, then that party should really be threatened, whether by the UN or by the parties involved. Khartoum knew that if it continued to be intransigent, then it risked the anger of the regional countries, the international players and the international community in the form of the United Nations. So that was very significant. So this is one.

The second thing is that sanctions continued for a very long time, sanctions which were imposed by the UN and the U.S. on the regime in Khartoum. They were really ineffective.

Q; The sanctions were ineffective?

A: Yes, ineffective. I think it is a lesson, it should be one of the lessons, that if you think there is a situation, then it should not be the sanctions. Sanctions are really ineffective. That is the word I would use.

Q: So you are saying, if I understand you, that general threats, are effective but that actual sanctions themselves are counterproductive?

A: Counterproductive, of course. That is what I am saying. So this is lesson two.

Lesson three is to work with people, working with the parties involved, trying to get people together, people with knowledge, academicians, politicians, retired diplomats, retired military personnel, elderly people from the regions. If you put these people together and ask them to identify the problems and come up with a solution, then this is usually helpful, and I am referring here to the paper that the Institute of Strategic Studies. When people became tired of that problem they said, "Okay, let us sit down, let us call the people, let us ask them to diagnose the problem and come up with a solution." And eventually this is what happened. So I think that is a good approach.

The other lesson that we should learn is there was no attention given to capacity building of the SPLM. This has now proven to be a problem. I think that the U.S. gave money for training and that was just for one of the trainings in Asmara but it was just for, I think, five days, six days. That was not enough. You need people to go for a least one year, nine months, six months and so on. Say, for example, on the issue of oil. This is not a problem with Khartoum itself. We have a problem because we have no trained people. So even if you come up with a good agreement and you have no people to implement it, you will still have a problem.

Q: Maybe I can get in one more question for you and that is to what extent do you think the peace process between the North and South laid the foundation for violence in Darfur? Was it a contributing factor in any way?

A: No, it was not a contributing factor, but it helped a little bit in promoting the intransigence of the parties in Darfur, because they felt if the SPLA got a lot from the negotiation table, they will also get the same.